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The Solicitors' Journal and Reporter.

LONDON, MAY 28, 1887.

CURRENT TOPICS.

ONLY TWO of the judges kept their courts open on the Queen's birthday—viz., Mr. Justice KAY and Mr. Justice KEKEWICH. On Thursday Mr. Justice KAY and Mr. Justice CHITTY rose for the Vacation.

ON WEDNESDAY a divisional court granted a rule *nisi* for a *mandamus* against the registrar of the Middlesex Registry calling upon him to enter and register the memorial tendered by Mr. MUNTON (see *ante*, p. 392). The question, it will be remembered, is as to the right of the Registry to require all town witnesses to attend at Great James-street instead of being permitted to depose to a deed before a London commissioner.

AT THE GENERAL MEETING of the Incorporated Law Society in June the presidential address will be delivered by the vice-president. It would hardly be fair to call on the president to deliver two addresses during his year of office in consequence of the meeting usually held in October taking place this year in June.

IT IS UNDERSTOOD that the Incorporated Law Society intend to present an address to the Queen congratulating her Majesty on the completion of the fiftieth year of her reign, during which so many changes have been made in the law with the object of rendering it cheaper, simpler, and more expeditious. In promoting these changes the society has taken no inconsiderable part, and we trust it may be anticipated that in the distribution of Jubilee honours some gracious acknowledgment will be made of the services rendered to the public by the society and the profession.

THE STATEMENT that the Lord Chancellor will preside at the forthcoming banquet of the Incorporated Law Society is unfounded. The chair at the first dinner will be occupied by the President, and at the second by Mr. G. B. GREGORY. Among the guests who have accepted invitations are the Lord Chancellor, the Lord Chancellor of Ireland, the Master of the Rolls, Lord HOBHOUSE, Lord CHELMSFORD, several of the Judges, the Attorney and Solicitor-General, Sir H. JAMES, Sir CHARLES RUSSELL, Sir HORACE DAVEY, and several other members of the bar, the Vice-Chancellor of Cambridge, and the President of the College of Surgeons.

WE BELIEVE that the observations of the Council of the Incorporated Law Society on the Land Transfer Bill will probably be in the hands of the authorities in the course of the present week. The delay (if on a subject of so much importance there can be considered to have really been any delay) has arisen mainly from the prudent course adopted by the committee of the council in sending a copy of the Bill and Act of 1875 to all the country law societies and to solicitors who are known to take a special interest in the question of land transfer, asking for their opinions on the main principles and provisions of the Bill, and in particular on a series of queries relating to the chief proposals for registration and alteration in the law of real property. The tabulated replies to these questions will afford a valuable epitome of professional opinion.

THE NUMBER of Bills now before the House of Commons exceeds 250, and of these by far the greater proportion have been introduced by private members. Mr. STANLEY LEIGHTON proposes before long to call the attention of the House "to the increasing number of Bills introduced by private members for the purpose of ventilating their own particular crotchets; to the unscientific drafting of such Bills, and to the waste of public money and time in printing and discussing them, and to move that provision ought no longer to be made in the estimates for the printing and publication of Private Members' Bills." Considering that no Bill may be introduced without leave of the House, and looking to the large sums spent upon the printing of Parliamentary papers other than Bills, we think such a motion goes too far. But Mr. STANLEY LEIGHTON will do good service in calling attention to the unscientific drafting of Bills. The work of drafting Bills cannot be effectively done without professional assistance, and it would not be too much to require that, as the country pays for the printing of a Bill, the private member should pay for the proper preparation of the manuscript from which it is printed; to require, in short, that the draft of each Bill introduced by a private member should have on its back the name of a solicitor.

IN OUR ISSUE of the 26th of March we called attention to the refusal of Mr. FOX, the registrar of the Croydon County Court, to allow unqualified practitioners to conduct cases before him, and we suggested that the Incorporated Law Society should be represented when the judge gave his decision on the question raised by the unqualified person, whether the registrar had the right to refuse to hear him, which the judge intimated he would do on the 5th of April. In accordance with our suggestion, Mr. HOLLAMS appeared on behalf of the society, and Judge LUSHINGTON delivered a very important judgment (*ante*, p. 396) to the effect that, in future, he would not allow unqualified persons to conduct cases in his courts. We understand that the Council of the Incorporated Law Society have printed the judgment, and have sent a copy to all the county court registrars, with a request that they should decline to permit agents and other unqualified practitioners to conduct cases before them. The judgment has also been sent to all the provincial law societies, with a letter suggesting that each society should aid the council in putting a stop to the very objectionable practice referred to. We are glad to be able to add that several of the county court judges and their registrars have followed Mr. Fox's example, and have refused to hear agents, and we hope soon to be able to announce that a practice so injurious to the public and the profession has, in this way, been stamped out.

THERE WAS an advertisement the other day in the *Times* asking any firm having the papers of a solicitor who, in 1852, practised near Lincoln's-inn-fields to communicate with the solicitors inserting the advertisement. This is only a specimen of a last desperate attempt to solve the perplexities which daily arise among London solicitors in tracing papers. Firms dissolve partnership or transfer their business to other solicitors. The papers change hands, and frequently there is no mode of tracing them, or a long and laborious inquiry is necessary to find them. Can no means be devised for remedying this inconvenience? Suppose the Incorporated Law Society were to open and keep a register, in which, on payment of a small fee, solicitors who receive the papers of other solicitors, on taking over their business, might enter the fact of the transfer, the register being open for inspection by solicitors on payment of a fee. If circulars and forms were sent to all London solicitors asking them to fill in the names of all former firms or solicitors whose papers they at present hold, and an intelligent clerk were set to the preparation and keeping up of an index, a work of the greatest utility to the profession might be accomplished, and we think it can hardly be doubted that the index would soon prove a source of substantial revenue. The

advantage of facilitating recourse would induce every transferee of papers to register, and when once the register became known, searches would be almost as plentiful as at Somerset House.

Several questions were raised in the discussion on the legality of Father Keller's imprisonment, but the real ground upon which the Court of Appeal in Dublin based its decision does not seem to have received much notice in the English accounts of the trial. It appeared very clearly that the committal was not in any way for contempt of court, and so the general jurisdiction with regard to contempt did not require to be considered. But by the Irish Bankruptcy Act of 1857 (20 & 21 Vict. c. 60) power is given to the court to enforce answers to lawful questions by imprisonment, and it was under this statutory power that Judge Boyd proceeded. By section 385 it is enacted, *inter alia*, that if any person shall refuse to answer any lawful question put by the court, it shall be lawful for the court to commit such person to prison until he shall be willing to make full answers as required. Section 386 provides that the question need not be specified or set forth in the warrant, but it is sufficient to refer therein to the deposition remaining on the file of the proceedings, provided that the question in respect of which the warrant is made out is specified in the deposition so remaining on the file. From these sections it is clear that, in any case where the legality of the warrant is called in question, the actual deposition becomes of the greatest importance. This it is which shews the question out of which the trouble has arisen; and from the general tenor of this it will be possible to shew whether the question is so irrelevant to the proceedings as not to be a lawful one. Hence it becomes of importance, too, that the deposition should be an exact record of the witness's answers. But in Father Keller's case it appeared, as the Master of the Rolls remarked, that the deposition was neither taken by a sworn officer nor certified by the judge to be correct, nor—and this was the most important of all—completed by the witness's signature, which was essential to give validity to the document. Every facility ought to be given to enable the witness to explain or correct what he had said, and until he had deliberately signed the deposition, or refused to do so—in which case, of course, different considerations applied—it was impossible to make out a warrant under the statutory power of the Bankruptcy Act.

In the above case the court seems to have passed over the chief arguments put forward by counsel, and to have decided upon a point which had received little consideration at the bar. It will hardly be so in the case of Mr. Bell-Cox, who also has just been discharged from his imprisonment. The formal judgment of the court has not yet been given, but it is unlikely that any stronger reasons will be found for it than those advanced by his counsel. It seems to be clearly established that the writ *de contumace capiendo* is only designed to enforce obedience to an order, and not to punish the delinquent for past acts of disobedience. So it was laid down by Lord Denman, C.J., in *The Queen* v. *Thorogood* (12 Ad. & El. 196). So soon then as it becomes, for any reason, unnecessary or impossible to enforce obedience, the object of the writ fails, and the imprisonment ought to come an end. This is illustrated by the cases of *Hudson* v. *Tooth* (2 P. D. 125) and *Dean* v. *Green* (8 P. D. 79). In Mr. Tooth's case possession of the church was obtained during his imprisonment by a clergyman authorized by the bishop, and Divine service was performed in a lawful manner. With this arrangement it was assumed he would not interfere, and hence, as no further disobedience was apprehended, his release was ordered. In Mr. Green's case, while he was still in prison, his living became vacant under the Public Worship Regulation Act, the inhibition having remained in force more than three years. In these circumstances it was held that the inhibition had come to an end, being swallowed up in the larger punishment of deprivation. Hence, as there was no longer any question of obedience to it, the imprisonment ought to come to an end equally. The case of Mr. Bell-Cox is very similar to this. He was imprisoned for disobeying an order suspending him for six months from officiating in his church. The six months have now elapsed, the order is, therefore, at an end, and on the authority of the above cases it is clear that the imprisonment must end also.

The papers to be read at the forthcoming meeting of the Incorporated Law Society promise to be of unusual interest. The President will contribute an important paper on the extension of the functions of the society, and the Land Transfer Bill will be dealt with by Mr. John Hunter, whose paper on that subject at the Liverpool Meeting in 1885 will be remembered as a very able contribution to the literature of the subject. Mr. Albert Saunders is also to discuss the question of land transfer. Mr. F. K. Munton will contribute some practical suggestions as to the sittings of the Law Courts; and Mr. F. E. Sawyer, of Brighton, an accomplished antiquarian scholar, will propose the preparation by the society of a history of attorneys and solicitors. Mr. F. D. Lowndes, of Liverpool, will deal with the question whether a successful litigant ought to be recouped by his opponent all his reasonable professional expenditure in obtaining or defending his rights. Among other papers of interest we observe one by Mr. Bernard Wake, of Sheffield, on *Newbould* v. *Smith* (34 W. R. 690, 33 Ch. D. 127), with regard to which we may perhaps deviate so far from our usual practice as to say that the article on the subject which appeared in our columns (*ante*, p. 228) should not be overlooked, representing as it did professional opinions of great weight.

The now well-known case of *Jenner-Fust* v. *Needham* (34 W. R. 709, 32 Ch. D. 582) continues to exercise the judges. The decision, it will be remembered, is this—Where a receiver has received rents of mortgaged property between the date of the certificate under a foreclosure judgment and the day fixed for redemption, the mortgagee is not entitled to the rents so received, except on the terms of bringing them into account as between mortgagee and mortgagor, and a fresh date must be fixed for redemption. It is easy to see that the result of this decision, by prolonging the period allowed for redemption, may operate hardly in cases of an insufficient security. Mr. Justice Chitty had the case before him not long ago, when he said that it seemed to put an unnecessary expense on mortgagees. There is, however, little probability of *Jenner-Fust* v. *Needham* being overruled. The point is not likely to be taken to the House of Lords, and, if the Court of Appeal has a similar case before it, the Lords Justices will probably uphold their own decision. There is a rumour that it is in contemplation to meet the difficulty by framing a new rule on the subject.

Referring to Sir Edward Watkin's statement that the decision of Mr. Justice Kay in *Tomkinson* v. *The South-Eastern Railway Co.* would be appealed against, we ventured to point out (*ante*, p. 458) the hopelessness of an appeal from the order granting the interlocutory injunction. It now appears that the appeal is to be withdrawn and the action is to be brought to trial, so that probably we shall ultimately have a decision of the highest tribunal on the important question how far a statutory corporation is justified in expending its funds on objects only indirectly conducive to the purposes specified in its Act.

There is a story current about a supposed meeting of the judges to consider a Jubilee address to the Queen, which is an obvious adaptation to that event of an incident which we believe really occurred with reference to another matter. When the address to the Queen at the opening of the Royal Courts was under consideration by the judges, one very eminent judge of appeal objected to the phrase "Conscious as we are of our own shortcomings." "I am not conscious of my shortcomings," he said, "and if I were I should not be so foolish as to say so"; whereupon a learned Lord Justice blandly observed, "Suppose we say 'Conscious as we are of *each other's shortcomings*.'"

We are requested to state that the entrance for members of the Incorporated Law Society to the banquets in the Central Hall will be in the Strand; that for the distinguished guests will be in Carey-street. The carriages of members and others attending the ball must enter Chancery-lane from Fleet-street and the Strand, and set down with the horses' heads towards Holborn, and take up in the opposite direction.

BANKERS' MORTGAGES.

In the debate in the House of Lords on the second reading of the Land Transfer Bill, Lord Selborne called attention to the question of registered charges for future advances, and pointed out that clause 20 (clause 27 in the Amended Bill) was intended to overrule their lordships' decision in *Hopkinson* v. *Rolt* (9 H. L. C. 524). The matter is one which, as is well known, chiefly affects bankers, and it is noteworthy that it has been quite recently discussed in the Scotch case of *Union Bank of Scotland* v. *National Bank of Scotland* (12 App. Cas. 53). The result was to uphold emphatically the rule in *Hopkinson* v. *Rolt*, and Lord Halsbury, C., commented upon the obtaining of further advances from the National Bank after notice of a second mortgage to the Union Bank in the following terms: "It seems to me that such a proceeding is contrary to good faith, and the decision of your lordship's House in *Hopkinson* v. *Rolt* establishes the principle, and establishes it upon the broadest grounds of natural justice." Nevertheless, it is now proposed to upset the principle so far as regards registered charges, and this is to be done, as Lord Selborne informs us, for the convenience of bankers.

The clause in question (in its amended form) is as follows:—

"Where a registered charge of a specified sum is expressed to be created on any land for the purpose of securing (whether with or without present advances) future advances to an amount not exceeding that sum, the registered proprietor of the charge shall be entitled in priority to any subsequent charge or transfer to the payment of any sum due to him in respect of advances up to the full amount of the specified sum, notwithstanding that some of such future advances have been advanced after the date and with notice of the subsequent charge or transfer."

The apparent discrepancy between this provision and the reasons which have hitherto decided the law seem to make it worth while to attempt a brief examination of the subject. The rule in *Hopkinson* v. *Rolt* was not established without considerable discussion. In the judgment appealed against Lord Chelmsford had stated the matter as follows:—"A prior mortgage for present and future advances; a subsequent mortgage of the same description; each mortgagee has notice of the other's deeds; advances are made by the prior mortgagee after the date of the subsequent mortgage with full knowledge of it; is the prior mortgagee entitled to priority for these advances over the antecedent advances made by the subsequent mortgagee?" In answering this question the great difficulty was to get over the old case of *Gordon* v. *Graham* (2 Eq. Cas. Abr. 598, pl. 16). There Lord Cowper, C., is reported to have said:—"The second mortgagee shall not redeem the first mortgage without paying as well the money lent after as that lent before the second mortgage was made; for it was the folly of the second mortgagee with notice to take such security." But this decision had been much doubted. First mortgagees were advised not to act upon it for fear the court should impute fraud to them rather than folly to the second mortgagee, and it was shaken by the remarks of Lord St. Leonards in *Blunden* v. *Desart* (2 Dr. & W. 405) and *Shaw* v. *Neale* (6 H. L. C. 581). In the case in question Lord Cranworth, indeed, chose to be guided by it; but, after a minute examination of the records, Lord Campbell, C., decided that it must have been wrongly reported, and both he and Lord Chelmsford held that it must in any case be overruled. They were much influenced by the reason urged in Fisher on Mortgages (1st ed. 363; 4th ed. 570), that it is contrary to the general principles of equity that a mortgagee should, by taking a security for advances which may never be made, put a pressure upon the mortgagor by taking away his power of raising money from other persons; the first mortgagee being never bound by such a clause to make further advances at the mortgagor's pleasure. And it was pointed out that the hardship upon the banker at once vanished upon considering that the security of the first mortgage could not be impaired without notice of the second. It is important to remark that the law as thus established applies when each party has notice of the other's security, and, indeed, requires that this should be the case. Registration, however, is merely a safer and more general way of giving notice, and the mere fact that a charge is registered does not seem to introduce any new consideration to weigh against those upon which the present rule is founded.

But, as we have already remarked, it has quite recently received over again the highest judicial confirmation, and was made to override the technical difficulties of Scotch law which had determined the judgment of the Scotch judges. In the case above referred to a good deal depended upon the peculiar nature of the mortgages in question, which were by way of absolute disposition, accompanied by a back bond—*i.e.*, a condition of re-conveyance upon payment of the sum (in this case) at any time due from the disponor to the disponee. At first sight this seems exactly like an English mortgage, but there is a distinction. The Scotch law recognizes heritable securities which are properly charges upon the land, and which do not divest the owner of his title. But the security in question is one of recent introduction, devised in order to evade the law, and it is apparently treated very much as an English mortgage was before equity interfered. Hence a majority of the judges held that the first bank, having the absolute property in the land, had a right to retain it as security for all sums at any time owing by the mortgagor, and that the second bank could only take the same personal right which the mortgagor had—viz., the right to a re-conveyance upon payment of all moneys owing by the mortgagor at the time of demand. This was the opinion of eight judges, and it is to be noticed that they distinctly refused to be guided by *Hopkinson* v. *Rolt*, on the ground of the fundamental difference between securities of this kind and the ordinary English mortgage. But there was an important minority. It was held by five judges that the security, whatever it might be in form, was in reality a charge only, and that the mortgagor retained a valuable interest in the land, which could be charged in favour of a second mortgagee, and that after notice of such second charge the first mortgagee would make any further advances at his own risk. They held the principle of *Hopkinson* v. *Rolt* to be as applicable to Scotch law as to English, and in addition to the considerations which we have already noticed, a new and very striking one was adduced by Lord Shand, which seems so apposite as to merit quotation (p. 83):—

"Suppose that after a certain amount had been advanced by the National Bank [the first mortgagee], a creditor of Mrs. McArthur [the mortgagor] had by diligence attached her reversionary right in the property or its proceeds; could that bank possibly, in disregard of the diligence, have gone on voluntarily to make advances to Mrs. McArthur, or on her account, which would affect, and even sweep away, the reversion, and so defeat the diligence; and could it really be said that they had such a right in order that they might earn banker's profits under their agreement with Mrs. McArthur? . . . . It seems to me too clear for argument that a creditor's diligence could not be so defeated."

When this case came before the House of Lords it was, as we have already stated, decided against the bank which was the first mortgagee, on the principle of *Hopkinson* v. *Rolt*, and in two of the judgments that principle was stated to be founded upon natural justice. We seem to have here an instance of judge-made and judge-confirmed law which has been the subject of no ordinary consideration. When such law is overruled by the Legislature it is usually on the ground that the judges have felt themselves bound to follow time-honoured precedents with which they did not themselves agree. But in this case special pains had been already taken to overrule the time-honoured precedent, and a modern rule had been settled with general approval. Possibly the convenience of bankers may be entitled to great consideration, but we may at least expect eminent legislators to consider also the principles of law which they have themselves, in their judicial capacity, so recently approved.

On the point of registration it may be well to refer to the case of *Bradford Banking Co.* v. *Briggs* (12 App. Cas. 29). There the first charge was, in fact, registered, for it was created by the articles of association of a company registered under the Companies Act, 1862. It was to be "a first and permanent lien and charge, available at law and in equity, upon every share for all debts due from the holder thereof." Yet, when the share was given as security to a bank, with notice of the transaction to the company, it was held that the principle of *Hopkinson* v. *Rolt* applied, and that, in spite of the articles of association, the company had no claim in priority to the bank for debts contracted after such notice.

In the interest of legal consistency it seems proper to urge that the clause of the Land Transfer Bill in question should not become law without full consideration.

The *Times* announces the death of Mr. F. J. Maltby, solicitor, for many years British Vice-Consul at Brussels.

THE AMENDMENTS TO THE LAND TRANSFER BILL.

I.

The Land Transfer Bill, as presented in amended form to the Committee of the House of Lords on the 17th inst., is a very different and much more complete document than it originally was. It has been partly re-arranged, many minor gaps and omissions have been filled up, even mere verbal improvements have not been considered unworthy of insertion, and some solid alterations in its substantive provisions have also been made. By these means the Bill has been considerably lengthened; it now consists of sixty-nine clauses, instead of fifty-seven, and covers thirty-four pages, instead of twenty-six.

As an instance of re-arrangement, we notice that the old clause 6, vesting land in personal representatives on death, which had been placed in "Part II., Compulsory Registration," in the original Bill, now appears, considerably filled out with needful detail, under its proper title in "Part IV., Amendments of Law of Real Property" (new clause 38). Some of the excisions for the purpose of these re-arrangements are a little alarming at first sight, until the omitted portions are seen to re-appear elsewhere, or to be otherwise provided for—for instance, the (old) clause 9 (3), requiring the applicants for confirmation of boundaries to pay the reasonable costs of objectors—an obviously proper rule, though one likely to diminish the numbers of such applications—is struck out in the amendments. Its place is really supplied, however, by (old) clause 29 (9).

We do not propose to lay before our readers an exact summary of the amendments. We would do something less, and, we hope, something more, than that. The amendments are so numerous, and, in many instances, so minute, that it would be impossible to mention them all, or nearly all, short of a reprint of the Bill, and, unless some commentary were added, nothing would be gained when it was done; while to add a discussion to such a work would occupy more space than we can devote to the subject. We propose to review the points (which are not many) in which the three leading novel features of the Bill with regard to land transfer proper—namely, *compulsion*, *confirmations*, and *insurance*—are modified by the amendments; then to note its further effects on registration generally and on the law of real property, and finally to offer observations on portions of it which seem to affect solicitors in particular.

(1) *Compulsion.*—A correspondent had already pointed out to us that the language of the first paragraph of clause 2 of the original Bill, providing that after a certain date "land transfer" was to be compulsory, and that thenceforth it should be the duty of "every person" before selling, &c., to be registered, seem to imply a more permanent kind of compulsion than we, in our notice (*ante*, p. 375 (*d.*)), had deduced from the words of the Bill. In our original view we had relied principally on the opening words of sub-clauses (*a.*) and (*b.*), "until a proprietor," &c., coupled with the fact that section 49 of the Act of 1875 (allowing the legal estate to pass by unregistered deed) remained unrepealed—provisions which are hardly consistent with a very strict interpretation of the early part of clause 2. Now, however, the intention of the Legislature is to be made plainer; (new) clause 9 provides that:—

> "Nothing in section forty-nine or any other part of the principal Act shall enable any legal estate or interest in any registered land or charge to be conferred otherwise than by a registered disposition."

Beyond declaring the mind of the Legislature, however, this addition does not much alter the case, for the following reasons: Under the provisions of the principal Act referred to, an unregistered purchaser got the legal estate, obtained power to protect himself by cautions, &c., and, on the other hand, was liable to be ousted by a subsequent registered disposition; under the present provision he will only get an equitable estate, but this, while it lasts, is just as good as a legal estate. He will still have power to protect himself by caution, and as to being ousted by destruction of his estate, his chances of that are no more and no less than if clause 9 had not been inserted, because, though he has no legal estate, no one else can have one either, except by being registered—in other words, by exactly the same means as sufficed before, under the old rule of section 49 of the Act of 1875, to oust even the owner of the legal estate. Among the disabilities in clause 2 (*a.*), attending neglect to register, "taking any benefit from the land" was originally included. The precise effect which these words would have had was not very clear; they have now been removed. In other respects the list of penalties remains unaltered; we discussed their effect, *ante*, p. 375 (*a.*). A proviso is now added to the clause, exonerating the grantor from the duty of registering previously to sales (*a.*) under the Lands Clauses Acts, (*b.*) in execution of judgments and processes, (*c.*) by mortgagees alone—and in other cases where the grantor is not a party to the conveyance. In cases (*a.*) and (*b.*) the board is directed to register the new proprietor in manner to be prescribed by rules, and subject to an appeal to the court by persons aggrieved (new clause 7).

Under the heading "Compulsory Registration" there are also included provisions as to the classes of persons entitled to apply for first registration, also as to the registration of settled land, and for new registrations on defeasances. On these we observe that the amended clause 5 provides that tenants for life shall be registered as proprietors, with an appropriate addition—not the trustees, as before provided—the trustees of the settlement being also entered under an appropriate heading. The present registry practice in these cases seems a good one, and will possibly be continued under this enactment—it is, to register the tenant for life as proprietor simply, and to place "a restriction" on all dealings, requiring that the purchase-money be paid to the trustees (naming them). The same clause provides that the trustees shall cause the new proprietor to be registered when the tenant for life dies; it does not appear from what source the necessary funds are to be provided in cases where (as often happens) "the trustees" have no property vested in them. The new clause 5 (6) also enables land already settled to be registered without the express appointment of trustees of the settlement, which would probably have been necessary as the Bill originally stood.

2. *Confirmation.*—The alterations and improvements in these sections are very numerous, but only one or two of them make any inroad upon the general policy of the Bill. An application for confirmation can be carried on (under new clause 13 (6)) by any successor in title of the original applicant, not only (as in the old clause 10 (6)) in cases of death. Unborn persons are (new clause 15 (2)) added to the list of incapacitated persons on whose behalf petitions against confirmations may be presented; and married women are removed from it. Power is also given to the board to confirm titles, subject to qualifications, which will doubtless be useful (new clause 16). Confirmation of boundaries by consent of neighbours is extended to all cases, instead of being confined (as by old clause 14 (2)) to the case where the adjoining neighbour was also registered.

Under new clause 19, however, a really most important alteration is introduced. It will be remembered that section 21 of the Land Transfer Act of 1875 runs as follows:—"A title to any land adverse to, or in derogation of the title of, the registered proprietor, shall not be acquired by any length of possession." This rule has been the subject of much criticism, and has been shewn to be both inexpedient and unjust—inexpedient, because it interferes with the very convenient practice of informally adjusting boundaries; unjust, as helping the "dormient" at the expense of the "vigilant" owner. To remedy these defects, the new clause 19 enables the board, subject to an appeal to the court, to rectify the registered description of the property in all cases where the registered owner has lost possession, and would not, under the ordinary law, be entitled to recover it.

3. *Insurance.*—There are several points of interest in connection with the insurance system, on nearly all of which the amendments have some bearing. The occasions of payment of insurance fees remain the same as before—namely, on registration with absolute or qualified (but not possessory) title, or on confirmation of title, and on every subsequent dealing for value, save that it is now provided (schedule 1 (B.) end) that, where a transfer for value occurs within three months of first registration with absolute or qualified title, or confirmation, no insurance fee shall be paid. The amendments (new clause 20 (1)) appear to require that, before claiming compensation out of the fund, the claimant must have attacked "the person liable to pay the same"—that is, the person (if any) owing to whose forgery or fraud the error complained

of was made. This is the rule under the Torrens' system, but its expediency is more than doubtful, and, if the new provision stood alone, it would probably not be altogether satisfactory to claimants, as it would involve them in the risks of a preliminary action, against a very unsatisfactory defendant usually, before approaching the fund. But schedule 1 (I.) gives the board power to "award compensation out of the insurance fund in the first instance, and to determine whether a right to compensation from the insurance fund has arisen." This power, if we interpret it rightly, will enable applications to be made direct to the board, who, it would appear, must have large powers of admitting claims. It would seem desirable, however, that, on so important a point, the language of the enactment should be made a little clearer.

On another point which was slightly ambiguous in the original Bill, the amendments introduce a satisfactory clearness. Under the old clause 16 and schedule 1 (A.), which provided that persons "deprived of registered land" by registry errors might apply for its restoration *in specie*, it was not quite clear whether, if an error occurred on a *first* registration, the true owner would have come within the definition "deprived of registered land"; and if he did not, it seemed as if in those cases he would be forced to content himself with money compensation out of the fund. The new clause 21 (1) and schedule 1 (A.) (2) have been framed so as to give to such persons, in common with persons deprived of land by mistakes in subsequent registered dealings, the same right to apply for restoration as was undoubtedly given to registered proprietors.

The Lord Chancellor (schedule 1 (J.)), with the approval of the Treasury, may from time to time apply the insurance fund to any matters of which notice may be entered on the register under section 18 of the Land Transfer Act—for instance, rights of way, rights of common, easements, rights to mines and minerals, succession duty, land tax, and short leases incapable of registration, &c.—or which may be entered in subsidiary registers under the present enactment.

THE JURISDICTION OF THE LAW SOCIETY OVER SOLICITORS.

From the earliest period in legal history until a comparatively recent date the duty of inquiring into the fitness and capacity of solicitors rested with the judges. In them was also vested the power of admitting solicitors and removing from the roll such of them as were deemed to be unfit to practise.

As early as the year 1292 Edward I., with the sanction of Parliament, issued a commission, which was addressed to the Chief Justice of the Court of Common Pleas, John de Mettingham, authorizing him, in conjunction with the other judges, to look out for, provide, and appoint from every county a certain number of attorneys to practise in the courts, and a certain number of pupils to study the common law and secure its continuance. The commission suggested that 140 attorneys might suffice for the purpose in view, but power was granted to increase or diminish the number, as the justices in their wisdom might see fit; and it was declared that the persons to be thus chosen, and those only, should attend the courts and conduct the business of the king's subjects therein.

The only persons spoken of as constituting the legal profession are the justices to whom the commission was addressed and the attorneys and students who were the subjects of it. No bar is mentioned. It is true that there were serjeants in those days, but they were very few, and confined themselves to one tribunal. In the time of which we speak the duty of advocate was performed by the attorneys, and it seems that for some centuries after the profession had what may be termed a legal origin that attorneys were also the advocates. When, however, we arrived at a comparative state of civilisation, these functions were severed, and what we now call the bar came into existence. Very shortly after the issuing of the commission mentioned the attorneys and apprentices chosen by the justices were located in the Inns of Chancery. From what we have stated it will be seen that to the judges, the Crown, and the Legislature was intrusted the power of determining who were fit to practise in the superior courts.

We will not weary our readers with an account of the Acts of Parliament, about seventy in number, which were passed, and the Rules of Court which were made for regulating the examination and admission of attorneys; suffice it to say that down to the year 1836 the judges themselves exercised these powers.

As far as regards examination, the judges do not appear to have required much of the applicants for admission, and the want of any proper test of legal knowledge was, no doubt, one of the principal reasons which influenced the public against allowing to the profession its proper rank and influence. The Law Society was instituted in 1825. In 1833 it established a course of lectures for law students, and in 1836 it induced the judges to order that all persons seeking to become solicitors should, before admission, pass an examination in legal knowledge. In 1843 the Solicitors Act (6 & 7 Vict. c. 73) was passed, under which the Law Society was appointed the registrar of attorneys and solicitors, and since that time—in fact, since 1836—they have conducted the examinations, until 1877 nominally under the supervision of the judges. In 1877 the power of making rules for, and conducting the examinations, previously vested in the judges, was transferred to the Incorporated Law Society, which has since that date performed the duty in a very satisfactory manner, and great praise is due to those members of the council (all of them busy men) who, without fee or reward, act as examiners.

At present there are two offices where practically the same functions are performed—viz., the Law Society and the Petty Bag Office. For instance, all articles of clerkship have to be enrolled at the Petty Bag Office, and they have afterwards to be registered at the Law Society. If an articled clerk requires an order for any purpose, he must take out a summons at the Petty Bag Office, and a copy of this summons, together with a copy of the affidavit on which the application is based, must be left at the Law Society. A roll of solicitors is kept at the Petty Bag Office, and another at the Law Society. The latter shews who are entitled to practise, but the former does not, and is, therefore, of no practical utility.

We would suggest that the Petty Bag Office, which only exists for the purposes mentioned and other minor matters of a kindred character, should be abolished, and that the powers now vested in that office should be transferred to the Law Society, due provision being, of course, made for the protection of vested interests, but, as to this, it is believed that there would be no practical difficulty. Under the Judicature Officers Act, 1879 (42 & 43 Vict. c. 78), s. 14, the Petty Bag Office will be abolished on the next vacancy, but there seems to be no sufficient reason why this contingency should be waited for.

Another suggestion which has been made, and deserves consideration, is that all solicitors should be compelled by statute to be members of the Law Society. At present only about 5,000 out of the 13,000 who take out their certificates annually belong to the Law Society, and the consequence is that the society has a limited jurisdiction over its own members, but none over the remainder. Barristers are subject to the jurisdiction of the Inn of Courts to which they belong, each of which has the power, on sufficient cause being shewn, to suspend a barrister from practising or to disbar him altogether, as has been done on more than one occasion. In some of the colonies there are Law Societies of which all barristers and solicitors practising in the Colony are bound by statute to become members, and it is believed that the system is found to work very well.

At all events, having regard to the fact that the Law Society has complete jurisdiction as to who are fit persons to enter the profession, it seems desirable that it should not only have the power of admission, but it should also have the power of exclusion, subject, of course, to appeal. This would effect a considerable saving of the funds of the society, and of the time of the judges before whom these cases come, and of the masters to whom they are often referred.

The adoption of our suggestions would have the effect of concentrating in one body all the functions necessary to be exercised with regard to the training, examination, admission, and punishment of solicitors, and would add greatly to the convenience both of the solicitors and the public. We see no practical difficulty in the way of carrying our suggestions into effect, and we venture to hope that steps will be taken for obtaining the legislative sanction necessary for the purpose.

It is stated that the costs of the Campbell divorce trial amount to more than £20,000.

On Wednesday Mr. Justice Stirling stated that he had directed a summons for the confirmation of a scheme for the reconstruction of the Briton Medical Life Assurance Association to be at the head of the paper for the consideration of the court on the 9th of June, and that he intended to commence taking causes with witnesses on Tuesday, June 14.

The following are the circuits chosen by the judges for the Summer Assizes:—viz., Western Circuit, Lord Coleridge, C.J., and Cave, J.; South-Eastern Circuit, Grove, J.; Oxford Circuit, Huddleston, B., and Wills, J.; Midland Circuit, Hawkins and Grantham, JJ.; Home Circuit, Cave, J.; North Wales Circuit, Denman, J.; South Wales Circuit, Field, J.; Northern Circuit, Day and A. L. Smith, JJ.; North-Eastern Circuit, Manisty and Mathew, JJ.

CORRESPONDENCE.

THE ACCUMULATIONS BILL.

[*To the Editor of the Solicitors' Journal.*]

Sir,—I ask a little space in your journal to call attention to the provisions of this Bill, which has passed the House of Commons *entirely without discussion*.

It enacts, in language taken *verbatim* from the Thellusson Act, that "no person shall, after the 1st of January, 1888, settle or dispose of any property in such manner that the income thereof shall be wholly or partially accumulated for any longer period than the minority or respective minorities only of any person or persons who, under the uses or trusts of the instrument directing such accumulations, would for the time being, if of full age, be entitled to receive the income so directed to be accumulated."

Without denying that cases may and do occur (see *Havelock* v. *Havelock*, 17 Ch. D. 807) in which accumulations to an unreasonable extent are directed, an inquiry among members of the profession well able to form an opinion has shewn that such cases are very uncommon; it therefore becomes desirable to consider whether the Bill as prepared does not interfere with dispositions of property which are not injurious and which ought not to be prohibited.

There is a not uncommon desire among testators in all classes of society that the vesting of legacies with the interest thereon should be postponed for some few years after the legatee attains his majority, say until he attains twenty-five. The object of this desire is not so much to increase the magnitude of the legacy by means of accumulations as to postpone the enjoyment of it until the legatee attains years of discretion—an object which, in many cases, is most desirable.

The operation of the Bill on a gift to a person contingently on his attaining twenty-five, accompanied either with an express or implied direction to accumulate the income for the benefit of the legatee, would appear to be that the gift of the capital would stand, but the direction for accumulation would be wholly void, inasmuch as there is no person who would for the time being, if of full age, be entitled to receive the income.

Again, the Bill would render invalid a direction for accumulation for a fixed period however short, say, for four or five years—a direction which was contained in the will of the late Mr. Atkinson Morley, and without which it is not probable that his large fortune would have sufficed to build and maintain the magnificent Convalescent Hospital at Wimbledon which bears his name.

I venture to think that in the two instances I have named the existing law ought not to be interfered with. At any rate, it is to be hoped that the Bill will not pass the House of Lords without full consideration.

CONVEYANCER.

P.S.—It is, I think, open to question whether the Bill applies to wills executed before the 1st of January, 1888—it would be well to make this point more clear.

[The Bill was, we believe, suggested by the remarks of the late Mr. Justice Pearson in *Re Alford, Damant* v. *Hennell* (34 W. R. 773). —ED. *S. J.*]

A CITY OF LONDON LAW SOCIETY.

[*To the Editor of the Solicitors' Journal.*]

Sir,—The distance of the Incorporated Law Society's hall from the City makes that institution almost valueless as a library to solicitors practising in the vicinity of the Mansion House and further East, and I have long felt that a library could, with great advantage, be formed in the City, where text-books and law reports might be consulted.

The idea is capable of expansion. A Solicitors' Society might be formed in connection with the library, whose objects should be to strengthen the hands of the Incorporated Law Society in matters relating to the profession (especially that of the reduction of the annual certificate duty), to hold meetings for discussion of points of practice or etiquette, and to form a kind of Solicitors' Exchange, where business matters, such as mortgages, might be negotiated.

The few City solicitors to whom I have mentioned the matter appear to think that such a society would meet with support, and if any of your readers are of that opinion, and are prepared to co-operate with me in setting it on foot, I shall be glad to hear from them with a view to calling a meeting and taking other proceedings.

HERBERT M. LOW.

The *Daily News* says that a consignment of eight large turtles which were on view on Wednesday in the basement of the Law Courts, near the refreshment department, was the cause of much curiosity and interest. These strange guests are to be sacrificed and converted into soup for the banquets of the Incorporated Law Society.

CASES OF THE WEEK.

LEVER v. GOODWIN.—C. A. No. 2, 25th May.

TRADE-MARK—IMITATION—SALE OF GOODS AS THOSE OF RIVAL TRADER—ACCOUNT OF PROFITS.

This action was brought by manufacturers of soap to restrain the defendants, who were also manufacturers of soap, from selling their soap in such a way as to pass it off as the plaintiffs' soap. The defendants did not sell their soap retail, but they sold it to retail dealers, who then sold it retail to the public. The retail dealers knew that they were not buying the plaintiffs' soap. At the trial Chitty, J., granted an injunction restraining the defendants from selling any soap not being manufactured by the plaintiffs in the wrapper and of the form of any one of three specified exhibits which were admitted to have been issued by the defendants, or in any wrapper or in any form calculated or intended to pass off, or to enable others to pass off, as and for the goods of the plaintiffs. And it was ordered that an account should be taken of the profits made by the defendants in selling soap made by them in any wrapper such as that contained in the three specified exhibits, and in the form of those exhibits, and that the defendants should pay to the plaintiffs the amount found due to them on the taking of the account. The defendants appealed, and it was argued on their behalf that, even if the injunction was properly granted, the account of profits directed was too extensive. It was contended that the defendants were accountable for profits only in cases in which the ultimate purchaser of the soap believed that he was buying the plaintiffs' soap, and that, therefore, the plaintiffs were bound to shew in each case that the ultimate purchaser had been deceived, or that at any rate the defendants were entitled to shew, in any case in which they could do so, that the ultimate purchaser had not been deceived.

THE COURT OF APPEAL held that the injunction had been properly granted, and also that the account of profits directed was in the proper form. COTTON, L.J., was of opinion that the defendants had intentionally got up their soap in such a way as would lead incautious purchasers to believe it to be the plaintiffs' soap. As to the other point the complaint against the defendants was that they had dressed up their soap in such a way as to enable the middlemen to sell it as the plaintiffs'. The whole gist of the complaint was that the defendants had sold a weapon which was capable of being used fraudently. The profits which the defendants had made was made by the sales to the middlemen, and it was immaterial to the plaintiffs what the middlemen did with the soap afterwards. Whatever they did with it the sale by the defendants to them was a wrongful act, because it put into their hands the means of selling the defendants' soap as the plaintiffs'. LINDLEY and BOWEN, L.JJ., concurred.—COUNSEL, *Aston*, Q.C., and *Chadwyck Healey*; *Romer*, Q.C., *Lockwood*, Q.C., and *J. Cutler*. COUNSEL, *Emmet, Son, & Stubbs*; *J. S. Salaman*.

BLAKE v. MAYOR AND CORPORATION OF LONDON.—C. A. No. 1, May 23.

PROPERTY TAX—ASSESSMENT OF PUBLIC SCHOOL—CHARITABLE INSTITUTION—5 & 6 VICT., C. 35, S. 61, R. 6.

This was an appeal from the decision of a divisional court (Denman and Hawkins, JJ.), reported 35 W. R. 212, 18 Q. B. D. 437. The premises occupied by the City of London School having been assessed in the valuation list of the parish of St. Bride, at a rateable value of £1,667, and a gross value of £2,000, the Corporation of the City of London appealed, claiming allowances in respect of property tax under 5 & 6 Vict., c. 35, s. 61, r. 6, by which allowances are to be made, *inter alia*, for the duties charged on any college or hall in any of the universities of Great Britain, in respect of the public buildings and offices belonging thereto, and on any hospital, public school, or almshouse in respect of the public buildings, offices, and premises belonging thereto. The City of London School was founded by a private Act (4 & 5 Will. 4, c. 35) obtained by the corporation of London in 1834, by which it was enacted that the corporation should make an annual payment of £900 towards the support of the school, and should maintain for ever thereafter, upon the ground appropriated by the Act, a school for the religious and virtuous education of boys. By the City of London School Act, 1879 (42 & 43 Vict. c. lxiii.), the corporation were empowered to appropriate certain lands on the Victoria Embankment, and to build thereon a school, and to transfer the school to the new premises, and there maintain it in like manner as they were authorized to maintain it on the old premises. The corporation accordingly built on the land in question the present schools, in which a large number of boys are educated. No profit is made, or sought, by the corporation in carrying on the school, but there is a yearly deficiency, which is made up by the corporation. The mode of admission is according to a form signed by the parent and by some members of the corporation, who are, however, unlimited as to the number of recommendations they may sign. The sons of freemen and householders of the city have preference in admission. The charge for each pupil is £12 12*s.* up to twelve years of age, and £15 15*s.* after that age. The Income Tax Commissioners held that the school was entitled to exemption as a public school, and stated a case for the opinion of the Divisional Court, who upheld their decision. The surveyor of taxes appealed, contending that the exemption was only meant to apply to public schools, which were purely charitable institutions, and that this was shewn by their collocation in the Act with hospitals and almshouses.

THE COURT (LORD ESHER, M.R., FRY and LOPES, L.JJ.) affirmed the decision of the Divisional Court. They said that they would not lay down any exhaustive definition of the term public school as used by the Act, but that where a school had a public foundation, and a portion of its

income was charitable, and it was managed by a public body, and no private person had any interest in it, and no profit was in contemplation, and its object was the benefit of a large class of her Majesty's subjects, all those circumstances pointed to it being a public school. The fact that colleges and halls were also exempted in the section shewed that it did not refer merely to charity schools.—Counsel, *Sir E. Clarke*, S.G., and *A. V. Dicey*; *Sir Charles Russell*, Q.C., and *Pollard*. Solicitors, *The Solicitor for Inland Revenue*; *The City Solicitor*.

LYON *v.* MORRIS; MUTUAL LOAN FUND ASSOCIATION, CLAIMANTS—C. A. No. 1, 17th May.

Practice—Interpleader—Appeal by Leave from Summary Decision—R. S. C., 1883, LVII., 8, 11—Common Law Procedure Act, 1860 (23 & 24 Vict. c. 126), s. 17—1 & 2 Will. 4, c. 58, ss. 2, 4.

This was an appeal from a divisional court (Day and Wills, JJ.), and raised an important question as to the right to appeal from the summary decision of a judge in an interpleader issue. Certain goods, having been seized in execution, were claimed under a bill of sale. The only question being as to the validity of the bill of sale, Huddleston, B., in chambers, by consent of the parties under R. S. C., 1883, ord. 57, r. 8, decided the matter in a summary manner, holding the bill of sale valid, but he gave the execution creditor leave to appeal against his decision. The Divisional Court held that section 17 of the Common Law Procedure Act, 1860, being still in force, there was no right of appeal, and no power in the judge to give leave to appeal, but after hearing the case on its merits, they expressed a strong opinion against the validity of the bill of sale. The execution creditor appealed from this decision, and it was now argued that section 17 applied only to the procedure given by section 14 of the Common Law Procedure Act, and had no reference to the consensual summary jurisdiction of a judge in interpleader cases. On the other hand it was contended that the consensual jurisdiction was given by 1 & 2 Will. 4, c. 58, which, by section 2, expressly forbade any appeal in such cases. The appellant, however, contended that the force of section 2 was limited by section 4, which gave a right of appeal from all decisions of a single judge.

The Court (Fry and Lopes, L.JJ.) dismissed the appeal. Fry, L.J., said the question was by no means free from difficulty, and ord. 57, r. 11, was not easy to construe satisfactorily. It began, however, "Except where otherwise provided by statute," and, therefore, although it contemplated the possibility of a judge giving leave to appeal from a summary decision, it did not intend to conflict with any existing statutes. The statute which gave a judge power to decide interpleader matters summarily by the consent of both parties was the 1 & 2 Will. 4, c. 58, and that Act, by section 2, expressly enacted that such decision should be final and conclusive. It could not be said that that section took away the right of appeal, because no such right then existed at common law. Section 4 of the Act did not give any right of appeal in interpleader cases, it only gave the same right of appeal against orders under the statute as already existed at common law. It was true that 1 & 2 Will. 4, c. 58 had been repealed by the Statute Law Revision Act, 1883, but it was clear, from the preamble to that Act, that it was only repealed because its subject-matter had been already dealt with by the Rules of the Supreme Court. Order 57, therefore, which replaced the statute, was not intended in any way to alter its subject-matter. But at the time the rules were drawn up the Common Law Procedure Act of 1860 was in existence, of which section 17 alone still remained in force. To say that that section only referred to the jurisdiction given by section 14 of that Act was to put too narrow a construction upon it. It referred to all summary decisions in interpleader issues, whether the jurisdiction was given by the Act of 1860 or by consent under the Act of 1831. The Legislature, by leaving section 17 alone intact, had shewn that they considered it applied to the whole summary jurisdiction. The section, therefore, was expressly excluded by rule 11 of order 57, and the judge had no power to give leave to appeal. Lopes, L.J., concurred.—Counsel, *A. T. Lawrence*, *Cluer*; *Sidney Woolf*. Solicitors, *R. Frederick Hill & Co.*; *W. Beard*.

THE COLONIAL BANK *v.* HEPWORTH—Chitty, J., 25th May.

Company—Share Certificates—Negotiability—Estoppel.

In this case it appeared that the defendant had employed P. W. Thomas & Co. as stockbrokers to purchase a number of shares of the New York Central and Hudson River Railroad Co., and paid them for the same. Thomas & Co. deposited with the plaintiffs the share certificates, and, afterwards being pressed by the defendant, obtained the certificates from the plaintiffs, and caused the defendant's name to be registered on the books of the company as owners of the shares, and the plaintiffs received back new certificates with the defendant's name thereon as registered holder. The certificates in use by the company bore on the face of them the name of the persons in whose name the particular shares were registered in the books of the company. On the back of each certificate was a blank form of transfer, and a blank power of attorney to execute a surrender and cancellation of the certificate, and to do all things requisite to transfer the shares represented thereby in the books of the company. The plaintiffs contended, amongst other things, that the certificates were negotiable by estoppel, and that the plaintiffs, as actual holders thereof, were entitled to be registered in place of the defendant, and the plaintiffs relied on *Goodwin* v. *Roberts* (24 W. R. 987, 1 App. Cas. 476).

Chitty, J., said that the case did not fall within *Goodwin* v. *Roberts*. In that case the instrument in question was simply scrip purporting, on the face of it, that the bearer would be entitled to receive the definitive bond from the foreign Government in exchange for the scrip. The scrip virtually represented that the paper would pass from hand to hand by delivery only. Each prior holder was deemed to have concurred in that representation. In the present case there was no such representation. Estoppels could not be manufactured arbitrarily. No estoppel could be raised inconsistent with the terms of the document itself, and the only estoppel which could be rightly inferred in the case before him was that, where the transfers were duly signed by the registered holder of the shares, each prior holder conferred upon the *bonâ fide* holder for value of the certificates for the time being an authority to fill in the name of the transferee, and was estopped from denying such authority, and to that extent, and that extent only, was estopped from denying the title of such holder for the time being. By delivery an inchoate legal title passed, but a title by unregistered transfer was not equivalent to what was termed the legal estate in the shares. Such inchoate title of the plaintiffs had been defeated by the defendant's registration.—Counsel, *Rigby*, Q.C., *Sir Arthur Watson*, Q.C., and *Butcher*; *Romer*, Q.C., *Finlay*, Q.C., and *Grosvenor Woods*. Solicitors, *Druces & Attlee*; *Dod & Longstaffe*.

Re TOOGOOD'S TRUSTS—Chitty, J., 21st May.

R. S. C., 1883, XLVI., 12, 13—Stop Order—Fund Exceeding £1,000.

In this case an application was made by petition for a stop order of a fund exceeding £1,000, paid into court under the Trustee Relief Act, 1847.

Chitty, J., in making the order prayed for, without prejudice to the title of certain parties mentioned, said that, under R. S. C., XLVI., 12, 13, a petition, and not a summons, was the proper mode of applying for a stop order when the fund in court exceeded £1,000 and there had been no prior application in respect of the fund.—Counsel, *Archibald Brown*. Solicitors, *G. P. Rogers*, for *Powell & Browett*, Birmingham.

Re ORIENTAL BANK CORPORATION—Chitty, J., 20th May.

Practice—Winding up—Order in Chambers—Sale of Assets by Private Contract—Alleged Undervalue.

In this case a motion was made by the New Oriental Bank Corporation to discharge or vary an order in chambers sanctioning a contract to sell the outstanding assets of the liquidating corporation to the Assets Realisation Co. By the sale objected to an offer had been accepted by the liquidator on the part of the Assets Co. to pay to the creditors (who had not compromised) a sum sufficient to make up the final dividend to 19s. 9d. in the pound. The applicants offered at the bar to give 20s. in the pound, and to take as their remuneration a moiety of any remaining surplus and pay the other moiety to the shareholders.

Chitty, J., after stating that the sale as sanctioned was the best thing in the then existing circumstances, said that he had inquired in chambers and had also asked counsel, but had found no precedent for setting aside a sale by private contract which had been sanctioned in chambers, when the ground of recalling the order was simply that a better offer was proposed. He agreed with Malins, V.C., who said, in *Re Bartlett*, *Newman* v. *Hook* (29 W. R. 279, 16 Ch. D. 561)), that to open biddings for such a reason (as was the practice in sales by public auction before 30 & 31 Vict. c. 48) was a most pernicious practice, unfair to purchasers and most prejudicial to vendors. The motion was dismissed, with costs.—Counsel, *Romer*, Q.C., and *F. B. Palmer*; *Latham*, Q.C., and *T. H. Wright*; *Maclean*, Q.C., and *Vernon R. Smith*. Solicitors, *Hollams, Son, & Coward*; *Freshfields & Williams*; *Linklaters*.

DICKSON *v.* MURRAY—Stirling, J., 19th May.

Fraud—Voidable Transaction—Right to Follow Moneys Intrusted to a Solicitor to Invest.

This was an adjourned summons for determining a question which arose in a creditor's administration action with regard to the right to follow trust moneys. The testator, who was a solicitor, had been intrusted by a Mr. Young with £11,500 to invest. He pretended to have invested the money upon four mortgage securities, and had delivered to Mr. Young what purported to be the mortgage deeds and the title deeds of the several properties. After the death of the testator it was discovered that three of the alleged mortgage securities were entirely fictitious. With regard to the fourth, there was a prior mortgage subsisting on the property comprised in it, and there had also been a prior assignment of the equity of redemption, but the property was in Middlesex, and neither the mortgage nor the assignment had been registered. Mr. Young, having registered his mortgage, acquired priority, and had commenced foreclosure proceedings, which had been compromised. There was, at the testator's death, money at his bank which could be earmarked as forming part of Mr. Young's £11,500. The question to be now determined was whether he was entitled to follow that money.

Stirling, J., said that, according to the rule laid down in *Clough* v. *London and North-Western Railway Co.* (7 Ex. 26), a person defrauded had, subject to the rights of innocent third parties, a right to avoid the contract so long as he had done nothing to show an election to abide by it. With regard to the first three pretended mortgages, Mr. Young had done nothing to alter his position or affirm the transactions. As to them, therefore, he was entitled to follow his money into the testator's bank. The fourth mortgage, however, stood on a different footing. If Mr. Young had intended to repudiate that, he should have done so promptly. He had not done so, but had, on the contrary, taken steps to enforce it. That seemed to his lordship an election to affirm the transaction, and was inconsistent with an intention to disaffirm it. With regard to this, therefore, he was not now in a position to exercise the right of repudiation.—Counsel, *Pearson*, Q.C., and *J. Henderson*; *Hastings*, Q.C., and *Nicholl*; *Borthwick*. Solicitors, [illegible] & [illegible]; [illegible] & [illegible], for *J. B. Cooks*, Norwich.

ROB *v.* ROB—Stirling, J., 20th May.

R. S. C., 1883, L., 1 (a.)—Speedy Trial of Action.

In this action the plaintiff claimed an injunction to restrain the defendant from entering upon certain lands at Skipton, in Yorkshire, and if necessary specific performance by him of an alleged agreement for a tenancy thereof contained in correspondence, and he now moved for an *interim* injunction in the terms of the writ. The only question in dispute was whether the correspondence constituted a complete contract or whether it was merely negotiation, and it was admitted that if there was a contract it was for a tenancy from year to year. No pleadings had yet been delivered.

Stirling, J., said that this was a case in which he was disposed to apply ord. 50, r. 1 (*a.*), and direct a speedy trial of the action. Counsel stated that such an order would be satisfactory to all parties, and his lordship accordingly directed that the trial should take place at the next York Assizes, and in the meanwhile granted the injunction.—Counsel, *Methold; Warrington.* Solicitors, *Jackson, Morse, & Simpson*, for *Jackson & Jackson*, Middlesborough; *Bell, Brodrick, & Co.*, for *Richardson*, Thirsk.

COURTNEY *v.* COLE—Q. B. Div., 19th May.

Compulsory Pilotage — Trading to North of Europe — Merchant Shipping Act, 1854, s. 379.

In this case the appellant, who was the master of the ship *Cardiganshire*, had been convicted by justices of unlawfully piloting his ship within the London district without having a pilotage certificate. The ship was one of a line of steamers which sail regularly from London to Japan, China, and the Straits Settlements, and back to London, and thence to Amsterdam and Hamburg and back to London. In April, 1886, she arrived in London with a cargo from the East, and, having discharged part of the cargo, she left London for Amsterdam with the rest of the cargo. When she was off Gravesend the informant, who was a duly licensed pilot, offered to take charge of the ship for the purpose of piloting her to the seaward limits of the London district. The appellant refused the offer, and continued to pilot the ship himself. The vessel proceeded to Amsterdam and Hamburg, and, after discharging her cargo, took in a fresh part cargo for the East, with which she returned to London, and then, after making her cargo complete, she proceeded on her next voyage to China and Japan. The question was whether, under the above circumstances, the ship was exempt from compulsory pilotage under section 379 of the Merchant Shipping Act, 1854. That section, in its 3rd sub-section, exempts all ships not carrying passengers and trading to Boulogne or to any place in Europe north of Boulogne. On behalf of the appellant it was argued that the ship was not less a ship trading to the north of Europe because she afterwards went to China and Japan. On behalf of the respondent it was argued that trading meant constantly trading, and here the vessel was a foreign-going ship, London being only her calling port; and reliance was laid on *The Agricola*, 2 W. Rob. Adm. 10, and *The Sea Queen* B. & L. 359.

The Court (Lord Coleridge, C.J., and A. L. Smith, J.) after taking time to consider their judgment, allowed the appeal. Lord Coleridge, C.J., said that it was obvious that the case was directly within the words of the exemption given by sub-section 3. It had, however, been argued that compulsory pilotage had been imposed by the Legislature solely for the benefit of ships themselves and the protection of human life, and that the section ought to be construed with reference to that principle. But he thought it was impossible to say, looking at all the exemptions, that they were designed solely with that purpose, and without any idea of favouring particular trades. For instance, the effect of sub-section 4 was that ships from Guernsey, Jersey, &c., laden with stone were exempt, but if laden with fruit they were not exempt. It was clear that there must have been an intention to favour the stone trade between those islands and England. It was not necessary to decide whether the Legislature intended to favour trading between London and the north of Europe. It may have been so; but it was enough to say that this vessel was a ship trading between London and Amsterdam, a place in Europe north of Boulogne, and doing that habitually, though his lordship thought that it was not necessary that she should be habitually so trading. The case came within sub-section 3, and the vessel was exempt. A. L. Smith, J., said that the question was whether the ship was trading to a port north of Boulogne within the meaning of sub-section 3. Dr. Lushington had decided that "coasting" in sub-section 1 meant continually coasting. But that decision did not govern sub-section 3, which meant what it said—viz., that a vessel, when it is trading to a port north of Boulogne, is exempt.—Counsel, *Gainsford Bruce*, Q.C., and *James Fox; Bucknill*, Q.C., and *Aspinall*. Solicitors, *Parker, Garrett, & Parker; Sandilands, Humphry, & Co.*

BANKRUPTCY CASES.

Ex parte THE OFFICIAL RECEIVER, *Re* REED, BOWEN, & CO.—C. A. No. 1, 20th May.

Appeal—Locus Standi—Official Receiver—Application for Adjudication of Bankruptcy—Bankruptcy Act, 1883, ss. 20, 104, 105, 109—Bankruptcy Rules, 1886, r. 191.

The question in this case was whether the official receiver was entitled to appeal against the refusal of an application made by him, under section 20 of the Bankruptcy Act, 1883, for an adjudication of bankruptcy against a debtor against whom a receiving order has been made. In the present case a receiving order was made against the debtor, and the creditors accepted a scheme of arrangement. The registrar refused to approve the scheme, and his decision was affirmed by the Court of Appeal (17 Q. B. D. 244). The creditors resolved to accept a second scheme, which the registrar again refused to approve, his decision being again affirmed by the Court of Appeal on the 25th of March, 1887. The court refused to allow another meeting of the creditors to be summoned for the purpose of proposing a fresh scheme. On the 29th of April the official receiver applied to the registrar for an adjudication of bankruptcy against the debtors. At the request of the debtors and some of the creditors the registrar adjourned the hearing of the application to the 1st of July. The official receiver appealed, and on the hearing of the appeal the respondents objected that the official receiver had no *locus standi*, that he was not a "person aggrieved" by the registrar's order within the meaning of section 104.

The Court of Appeal (Lord Esher, M.R., and Fry and Lopes, L.JJ.) held (Fry, L.J., dissenting) that in such a case the official receiver was entitled to appeal. Lord Esher, M.R., said the order which the registrar was asked to make was one which, if the facts alleged were made out, he was bound judicially to make, unless he was entitled for "sufficient reason" to adjourn the hearing. Section 20 provided that "the court *shall*" (not *may*) adjudge the debtor bankrupt if certain circumstances were proved. If no "sufficient reason" to the contrary were proved, the registrar would do a legal wrong in his judicial office if, on those circumstances being proved, he did not adjudge the debtors forthwith bankrupt. The official receiver had alleged that the scheme had not been approved within fourteen days, and had asked the registrar forthwith to adjudge the debtors bankrupt. If he proved that that was so, and that there was no sufficient reason for adjourning the hearing, the registrar was bound forthwith to adjudicate the debtors bankrupt. Under rule 191 the official receiver was a party who was bound to ask the court for a judicial decision on a matter of fact which might be in contest. It was his duty to produce evidence and to argue on the effect of that evidence. That placed him in exactly the same position as a litigant, and the question was whether he was entitled to appeal as a "person aggrieved" by the refusal of his application. In *Ex parte Sidebotham* (14 Ch. D. 458) James, L.J., said (p. 465): "A 'person aggrieved' must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something, or wrongfully refused him something, or wrongfully affected his title to something." That might not be an exhaustive definition, but, at any rate, it would include a person like the official receiver in this case, who had been wrongfully refused a decision for which he had a right to ask. And in the same case Bramwell, L.J., said, "Certainly the general rule is that an appeal must be by the party who has endeavoured to maintain the contrary of that which has taken place." That also included the present case. Fry, L.J., regretted that he differed from the Master of the Rolls. The official receiver was not a litigant, but was acting as an officer of the court whose duty it was to bring facts to the knowledge of the court, and, when he had done so, he had discharged the whole of the duty cast on him as a public servant; he was *functus officio*, and had no further duty to perform, and, whether his application succeeded or failed, he had no further concern in the matter. He was not in any sense a "person aggrieved" by the refusal of his appliction, for the decision was not any more a decision against him than against any other member of the public. He suffered no legal grievance if the registrar had given a wrong decision. He was deprived of nothing and he was refused nothing by that decision, and, therefore, he could not appeal. In his lordship's opinion this view was consistent with the definition given by James, L.J., in *Ex parte Sidebotham*. And Bramwell, L.J., only mentioned a condition *sine qud non* to an appeal; he did not say that everyone who had "maintained the contrary" had a right to appeal. Lopes, L.J., agreed with the Master of the Rolls.

The appeal was then heard on its merits, and in the result The Court reversed the decision of the registrar, and made an immediate adjudication against the debtors.—Counsel, *Sir R. Webster*, A.G., *Sir E. Clarke*, S.G., and *Muir Mackenzie; Finlay*, Q.C., and *Sidney Woolf; Herbert Reed; Wilkinson.* Solicitors, *Solicitor to the Board of Trade; Foss & Ledsam; G. S. & H. Brandon; Cuddon & Co.*

Ex parte TODD, *Re* ASHCROFT—C. A. No. 1, 20th May.

Bankruptcy—Avoidance of Voluntary Settlements—Retrospective Effect of Act—"Transfer of Property"—Bankruptcy Act, 1883, ss. 47, 168—Bankruptcy Act, 1869, s. 91.

Section 47 of the Bankruptcy Act, 1883, provides, by sub-section 1, that any voluntary settlement (not being a settlement made on or for the wife or children of the settlor of property which has accrued to him after marriage in right of his wife) "shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void as against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, *and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.*" And, by sub-section 3, "'Settlement' shall, for the purposes of this section, include any conveyance or transfer of property." Section 91 of the Bankruptcy Act, 1869, was identical with sub-section 1, except that it was confined to traders, and that it did not contain the words which are above placed in italics. Section 169 of the Act of 1883 repeals the Act of 1869 *in toto*, but provides that the repeal shall not affect (*inter alia*) "any liability or disqualification incurred under the repealed Act." In the present case a trader in April, 1877, executed a voluntary deed, to which his wife was a party, by which, after a recital that he was absolutely

entitled to eighty shares in a railway company, and that he was desirous of irrevocably settling them upon the trusts thereinafter declared for the benefit of his wife, himself, and his children, and that he was about to transfer the shares into the names of T. and M., who were parties to the deed, it was agreed that the trustees should stand possessed of the shares, so soon as the same should be transferred to them, on trust to pay the dividends to the wife during her life, for her separate use without power of anticipation, and after her death upon certain trusts for the benefit of the settlor and the issue of the marriage. At the time of the execution of the deed the shares stood in the name of the settlor. On its execution he handed over the certificates to the trustees, but he did not transfer the shares into their names until the 19th of February, 1886. Meanwhile he had continued to receive the dividends as before, and to apply them to his own use. In May, 1877, the trustees gave notice of the deed to the railway company. In April, 1886, the settlor was adjudicated a bankrupt, and the trustee in the bankruptcy applied to the court for a declaration that the settlement was void, and that he was entitled to the shares. It was proved to the satisfaction of Cave, J., that at the date of the deed the settlor was able to pay all his debts without the aid of the property comprised in it, but Cave, J., held that the trustee in the bankruptcy was entitled to the shares, on the ground that the interest of the bankrupt in them had not passed to the trustees of the deed on the execution thereof. On the appeal it was argued that section 47 was not retrospective, at any rate, so far as it contained provisions which were not to be found in section 91 of the Bankruptcy Act, 1869. On behalf of the trustee in the bankruptcy it was urged that the transfer of the shares to the trustees of the deed was a "settlement" within section 47, and that, as the deed imposed no obligation on the settlor to make the transfer, it was a voluntary settlement, and, having been made since the Act of 1883 came into operation, and within two years before the adjudication of bankruptcy, it was void against the trustee in the bankruptcy, whether section 47 was retrospective or not.

THE COURT OF APPEAL (Lord ESHER, M.R., and FRY and LOPES, L.JJ.) affirmed the decision. Lord ESHER, M.R., said that, although it might not be absolutely necessary to determine whether section 47 was retrospective or not, the point was an important one, and had been fully argued, and it was right that the court should express its opinion. Section 47 was, to a great extent, a repetition of section 91 of the Act of 1869. That section, however, applied only to traders, while section 47 applied to non-traders also, and section 47 contained a new proviso at the end as to the settlor's interest in the property passing to the trustee on the execution of the settlement. In *Re Player* (54 L. J. Q. B. D. 553), Matthew, J., expressed an opinion that so much of section 47 as was identical with section 91 applied to matters which took place before the Act of 1883 came into operation, but that so much of section 47 as was new was not retrospective. That at first sight appeared to be a modification of the ordinary rule, that an Act was not retrospective unless it was expressly declared to be so. But where an enactment was repealed, and the repealing Act substituted a new provision for that which it repealed, it appeared to be the true principle that so much of the new enactment as was identical with the former enactment was retrospective, but that the new matter was not retrospective, otherwise the result would be that persons who had broken the provisions of the former statute would be entitled to escape after it had been repealed. It was inconceivable that that could have been the intention of the Legislature when they replaced the former enactment by a new enactment to a similar effect. But, as to the new matter introduced, there was no reason for saying that it ought to have a retrospective effect. If so, section 47 did not apply to any settlements executed by non-traders before the Act came into operation, and the proviso as to the interest of the settlor passing to the trustee did not apply to a settlement executed by a trader before the Act came into operation. Therefore, if the document executed in 1877 was a settlement of the shares it did not come within the section, since the only ground for impeaching it arose under the new part of the section. But could it be said that a document which did not pass the property, which did not contain any covenant by the settlor to settle the shares, which left him free to deal with them as he pleased, and gave no power to anyone to force him to settle them, was a settlement within the meaning of section 47. In his lordship's opinion that was not a settlement within section 47. But then came the transfer of the shares two months before the bankruptcy, and after the Act of 1883 had come into operation. His lordship would not decide whether the transfer would have been a "settlement" if it had been made to carry out a prior valid settlement. But in the present case there was no previous document which amounted to a settlement, and the transfer clearly came within the words of sub-section 3 of section 47, and it was void, without any regard to the intention of the settlor in executing it, because it was executed within two years before the bankruptcy. FRY, L.J., said that he had arrived at the same conclusion, though by a somewhat different road. By sub-section 3 of section 47 of the Bankruptcy Act, 1883, a settlement included any transfer of property. Here there had been a transfer of property after the passing of the Act and within two years before the bankruptcy. If it had not been executed the shares would have been the property of the bankrupt at the time of the bankruptcy, and would have been distributable among his creditors. It was, therefore, a transaction plainly within both the words of the section and the mischief of the Act, and his lordship had no hesitation in coming to the conclusion that it was void under section 47. Section 47 was clearly not retrospective *in toto*, but the question whether it was retrospective at all did not really arise, and as to that he would reserve his opinion. To say that a section of an Act was retrospective in one part, and not retrospective in another part, was a novel mode of interpretation, and he was not sure that any saving of the provisions of section 91 of the Act of 1869 was not to be looked for in the general saving clause (section 169) of the Act of 1883. LOPES, L.J., agreed with the Master of the Rolls.—COUNSEL, *Winslow*, Q.C., and *Sidney Woolf; Yate Lee*. SOLICITORS, *Munns & Langdon; Bedford, Mosier-Williams, & Robinson*.

CASES AFFECTING SOLICITORS.

Re HILLEARY & TAYLOR—C. A. No. 2, 20th May.

SOLICITOR—COSTS—TAXATION—SHORTHAND NOTES OF EVIDENCE TAKEN VIVA VOCE BEFORE TAXING MASTER—R. S. C., 1883, LXV., 25.

This was an appeal from the decision of Stirling, J. (35 W. R. 365, *ante*, p. 271). The question was whether, in taxing the costs of a taxation, the taxing master was right in allowing part of the costs of shorthand notes of evidence taken *viva voce* before himself. He had suggested to the parties that a shorthand note ought to be taken of that evidence, and they had each had a note taken. The taxing master allowed the costs of one note. Stirling, J., affirmed the decision.

THE COURT OF APPEAL (COTTON, LINDLEY, and BOWEN, L.JJ.) affirmed the decision of Stirling, J. COTTON, L.J., said that the Court of Appeal had done all in its power to prevent unnecessary expense in shorthand notes. As a rule the only shorthand notes allowed were those of the judgment in the court below, and notes of the evidence were not allowed except in very special circumstances. He did not consider that the taxing master, or even a judge, had a right to order shorthand notes to be taken. It was the business of the taxing master, as it was of the judge and of counsel, to take notes himself. But in this particular case the taxing master had expressed an opinion that it would be best to have a shorthand note taken of the evidence given before him, and both parties had acceded to that suggestion and had acted on it. They might have objected, but they did not. Both parties had a shorthand note taken, and the taxing master had allowed the costs of one. The parties ought to have agreed upon one shorthand writer, and, in the absence of evidence to show whose fault it was that no such arrangement was made, the taxing master was right in deciding that the same costs should be allowed as if only one note had been taken. LINDLEY, L.J., concurred. BOWEN, L.J., desired that it should not be thought that, in allowing the costs in this particular case, the court had expressed any opinion that it was a reasonable practice to employ a shorthand writer before the taxing master, or that the taxing master had any right to order one to be employed. As a general rule such a practice would be of the worst example.—COUNSEL, *Macleon*, Q.C., and *Normandy; Graham Hastings*, Q.C., and *Maidlow*. SOLICITORS, *R. J. Gooch; R. Metcalfe*.

Re AARON WRAY—North, J., 23rd May.

SOLICITOR—ATTACHMENT—DEFAULT IN PAYMENT OF MONEY—RECEIVING ORDER—JURISDICTION—DISCRETION—DEBTORS ACT, 1869, s. 4—BANKRUPTCY ACT, 1883, ss. 9, 10.

In this case an important question arose as to the jurisdiction of the court to allow an attachment to issue against a solicitor for his default in not paying a sum of money which he had been ordered to pay in his character of an officer of the court, after a receiving order in bankruptcy has been made against him. Section 4 of the Debtors Act, 1869, provides that, with certain exceptions, "No person shall be arrested or imprisoned for making default in payment of a sum of money," one of the exceptions being (4) "Default by an attorney or solicitor . . . in payment of a sum of money when ordered to pay the same in his character of an officer of the court making the order." Section 9 of the Bankruptcy Act, 1883, provides that, after the making of a receiving order against a debtor, "except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any action or other legal proceedings unless with the leave of the court, and on such terms as the court may impose." And, by sub-section 2 of section 10, "the court may, at any time after the presentation of a bankruptcy petition, stay any action, execution, or other legal process against the property or person of the debtor, and any court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just." In the present case the solicitor had acted as solicitor to the trustees of a will, and had received from them some sums of money for the purpose of investment. He did not invest them, and on the 7th of March, on the application of the surviving trustee and the residuary legatees under the will, North, J., made an order that the solicitor should, on or before the 7th of April, or subsequently within seven days after service of the order upon him, pay the moneys in question, "being moneys in his hands and received by him as solicitor" for the trustees, to the surviving trustee. The order was served personally on the solicitor on the 22nd of March, but he failed to obey it. On the 17th of April a notice of motion, dated the 22nd of April, was served on the solicitor by the persons who had obtained the order of the 7th of March, asking that they might be at liberty to issue a writ of attachment against the solicitor for his contempt in not paying the money pursuant to the order. Meanwhile, on the 25th of April, a receiving order in bankruptcy had been made against the solicitor upon the petition of another creditor, but the applicants were ignorant of this until they served their notice of motion. It was objected on behalf of the solicitor that section 9 of the Bankruptcy Act was an answer to the application, an attachment being a "remedy against the person of the debtor in respect of the debt."

NORTH, J., held that he had jurisdiction to allow the attachment to issue, but, in the exercise of his discretion under section 10 of the Bankruptcy

ct, he declined to do so. Having regard to the facts proved when he made the former order, he saw no reason for exercising the discretion given to him by section 1 of the Debtors Act, 1878 (41 & 42 Vict. c. 54), to refuse to allow the attachment. As to the jurisdiction, he thought it clear, on the authority of *Re Fenston* (11 Q. B. D. 545, 27 SOLICITORS' JOURNAL, 518) and *Re Dudley* (12 Q. B. D. 44, 28 SOLICITORS' JOURNAL, 71), that an attachment against a solicitor for the non-payment of money received by him as a solicitor for investment was not merely a civil process, but was, in its nature, "punitive or disciplinary," and therefore the existence of a receiving order was not sufficient reason for not issuing an attachment in such a case. The proceeding by way of attachment against a defaulting solicitor under section 4 of the Debtors Act was not merely a proceeding against his property or person in respect of a debt, but was a proceeding by way of punishment. Moreover, section 9 of the Bankruptcy Act did not apply to a case where proceedings were actually pending against the solicitor at the date of the receiving order, as they were in the present case. But section 10 did apply to pending proceedings, and under that section two courses were open to the debtor against whom an application was made. He might apply to the court in which the proceedings were pending to stay them, or he might apply to the Court of Bankruptcy to stay them. His lordship would treat the opposition to the present motion as an application to this court to stay the proceedings. If an application had been made to the Court of Bankruptcy it would probably have followed the course which was adopted by the Court of Appeal in *Re Deere* (10 Ch. 658)—*i.e.*, refuse to interfere, and leave it to this court to decide whether the attachment should be allowed to issue. It was clear that the existence of the receiving order was not in itself an answer to the present application. But, having regard to the fact that the solicitor was a bankrupt, that no benefit would result to the applicants from an attachment, and that it would probably cause great embarrassment to the bankruptcy proceedings, his lordship, in the exercise of the discretion given to him by section 10, thought that he ought not to make the order by way of punishment to the solicitor. But he thought that the application had been properly made, and he should order the solicitor to pay the costs of it. He thought he had jurisdiction to do so, notwithstanding the bankruptcy proceedings.—COUNSEL, *Warrington, Bunting.* SOLICITORS, *Collyer, Bristowe, & Co.; Rishin & Fox.*

SCALES *v.* MOSELEY—Ipswich County Court, Judge Roxburgh, Q.C., 19th May.

COSTS INCURRED OUTSIDE ACTION—19 & 20 VICT. c. 108, s. 35.

This was an action brought by the plaintiff against Mr. H. K. Moseley, solicitor, of Ipswich, to recover from him the balance of a sum of money which the plaintiff alleged had been stopped by the defendant out of money taken by him out of court in the action *Scales* v. *Page*, tried at Stowmarket, in which Mr. Moseley acted as solicitor for the plaintiff. The sum really in dispute was £9 4s. 6d., and the bill of costs and items of this sum, as claimed by Mr. Moseley, were referred to the registrar of this court to tax. The registrar (Mr. Grimsey) now produced his certificate, in which he stated:—"I certify that Mr. Gudgeon, the registrar of the court at Stowmarket, in which the action of *Scales* v. *Page* was instituted, has allowed what he thought the solicitor was entitled to under the scale of costs provided under the statute 19 & 20 Vict. c. 108, s. 35 (44 & 45 Vict. c. 68), in respect to many of the items inserted or re-inserted in this bill, and with respect thereto as between solicitor and client. With regard to the rest of the items I have to disallow, being directed by the judge to tax (not being the registrar of the court in which the costs and charges were incurred), I respectfully submit a solicitor cannot recover for the same, as the client has not agreed in writing to pay them." Counsel for the defendant urged that the section mentioned by the registrar referred to costs in "proceedings," whereas he argued that the £9 4s. 6d. in question related to matters not in the proceedings. There was, he said, no definition so far as he knew, but he took it that a proceeding" was a "step" taken in the action. If they were not, as he contended, proceedings in the action, they could not be taxed therein, and were not within the words of any of the sections, because they all started "with respect to the proceedings," and, consequently, he contended Mr. Moseley was entitled to the charges in question.

Judge ROXBURGH said it was a nice point, and he should give the parties an opportunity, if either thought fit, of taking the opinion of the Divisional Court as early as possible. The application was for the allowance of costs which had not been allowed by the registrar of the Stowmarket Court on the ground that the charges made by the solicitor were not, within the Act of Parliament and the rules and scale of costs made under that Act, such as would be allowed. The Registrar of the Stowmarket Court had, proceeding under section 35 and the scale in the Appendix to the Rules, 1886 (which refers to costs to be paid as well between party and party as between solicitor and client), taxed the costs of Mr. Moseley, and Mr. Moseley now sought to be allowed costs which were not included in the bill so taxed, as being costs incurred outside the action. It was contended that Mr. Moseley was, therefore, entitled to his costs under the ordinary principle of a client being bound to pay his solicitor for work and labour done, and that the registrar's taxation at Stowmarket was not binding upon him. The question he (the judge) had to decide was what was the meaning of the sections? It certainly seemed open to contention as to what they did mean, but it was clear to his mind that the proceedings referred to in section 35 as "such proceedings" referred to the proceedings mentioned in section 33—the proceedings in an action where the debt claimed exceeded £20. Then did it embrace all the costs which the solicitor might incur after action brought which were not included in the scale, or could the solicitor claim more than the scale allowed for the costs incurred in an action unless he had the authority of the client in writing. He was bound to come to the conclusion that a solicitor could not claim against his client any costs in an action, after action brought, which were not allowed by the scale, unless he complied with the wording of the section and satisfied the registrar that the client had agreed in writing to pay him? He could allow no costs to Mr. Moseley after the commencement of the action which were not included in the scale, and those included in the scale had all been allowed. With reference to other costs, he could conceive cases in which a solicitor would be entitled to charge against his client costs incurred by him before action brought—that was, where it was necessary for the solicitor to do something for his client which could not be included in ordinary instructions for the action. His Honour then ordered judgment to be entered for the plaintiff for £9 4s. 6d. He remarked that this was a very important point, and he should very much like it to go to the Divisional Court.

LAW SOCIETIES.

THE IRISH INCORPORATED LAW SOCIETY.

On Tuesday evening the Lord Lieutenant was entertained by the president and council of the Irish Incorporated Law Society at dinner in the hall of the society, Four-courts, in celebration of the Queen's Jubilee. About three hundred guests were present. The president of the society, Mr. Patrick Maxwell, occupied the chair, and among the guests were Lord Ashbourne (Lord Chancellor), Prince Edward of Saxe Weimar, and Lord Justice Barry. In replying to the toast of his health,

The Lord Lieutenant said: I believe I am correct in saying that I am the first representative of her Majesty in Ireland who has had the pleasure of accepting the hospitality of your president and your society. Under these circumstances, and remembering the importance of the year in which we live, I say again that I accept your hospitality with gratitude. I need hardly remind you that I am an Irishman, and that as an Irishman the interests and the prosperity of Ireland are very dear indeed to me. And on these grounds I venture to congratulate the Incorporated Law Society of Ireland on the great success that has attended their efforts to obtain from their profession the very best men, and the men possessed of the greatest amount of legal learning, that they possibly could. He proposed the health of the president.

The President said: The profession which we represent fills a large space in the social sphere, and the honour, liberty, and fortune of the community are daily intrusted to its members. To render them more fitted to perform the duties thus devolving on them is the aim and object of our society. In reply to the toast of the Bench and the Bar of Ireland,

Lord ASHBOURNE said it must ever be a source of the highest gratification and of the keenest pleasure to every member of the Irish bench to do anything and participate in any entertainment that drew tighter and closer the numerous links that bound together the great profession of the law. To him individually it was a source of great pleasure to be their guest and to return thanks for the Irish bench. He might say for all his honoured and distinguished colleagues that everyone of them was sensible of the great responsibilities that were entailed on them by the offices which they had the honour to hold. No higher responsibility could be placed upon any body of men than to fulfil, according to the best of their ability, the great behests and requirements of public justice; and he believed that every member of the bench was sincerely and loyally anxious to fulfil the great requirements of his position. There were many aids to the discharge of the judicial office. They had the priceless and invaluable assistance of an independent, a learned, a courageous, and intrepid bar. The value of that to the public, and to liberty as well, could never be overstated. But the Irish bench had another aid which might well be acknowledged at that board—it was the aid which they derived from the learning, the high sense of duty, and the loyal devotion to the interests of their clients exhibited by that great profession which had extended so splendid a hospitality to them that night. His Excellency had aptly referred, by the phrase "twin sisters," to the union between the two branches of the legal profession, the bar and the solicitors. The great profession of the law was not above the range, in private conversation, he would not say of sneers, but of kindly sarcasm; but they might remember for their comfort that once in old times there was a Parliament without lawyers, and that Parliament had been handed down to the derision of future ages as the unlearned Parliament. The bench also was sustained by some comforting reflections. When any of them fell out of the ranks or by the vicissitudes of party were sent back to other spheres the great profession of the bar had always sufficient patriotism and public spirit to send forward other men able and not unanxious to succeed. It was a great pleasure to be present at a genial, kindly banquet like that, unconnected with party or politics, and containing the representatives of opinions differing possibly from those of even so moderate a man as himself. Few of them could hope to see another Jubilee; but he hoped that some of them might have the good fortune to be asked once more to partake of that society's kindly hospitality.

Sergeant O'BRIEN responded for the bar.

In a case of *Re Reed, Bowen, & Co, Ex parte Chief Official Receiver*, before the Court of Appeal No. 1 last week, Mr. Muir Mackenzie referred to a case in Morell's Reports, and said:—"That case is not reported in the regular *Law Reports*." The Master of the Rolls said:—"I object to that phrase. All reports made by gentlemen of the bar and published on their responsibility are equally regular. There is no superiority in the reports of the Council of Law Reporting. Counsel are as much entitled to cite the one as the other."

LAW STUDENTS' JOURNAL.

INCORPORATED LAW SOCIETY.

Preliminary Examination.

The following candidates (whose names are in alphabetical order) were successful at the preliminary examination held on the 4th and 5th days of May, 1887.

Airey, Alexander Stockdale
Allinson, Arthur Hutton
Alston, Robert Graham Fitzgerald
Atter, James
Benson, William John Philipp
Bigley, George Selsey
Borradaile, George Leycester
Bowerman, Edward George
Braund, Victor Maurice
Breese, David
Brown, James Clement
Burton, William Edward
Calderbank, William
Canning, William Davis
Chapman, Ernest Lewin
Chisholm, John William
Cobbold, Christian Chevallier
Corbett, Edward Corles
Creasey, Herbert
Creed, George John
Crompton, Reginald
Curtis, William Henry
Dalziel, Hugh
Davis, Edward Cruger Fergusson
Douglass, Richard Hugo
Earle, Charles Edward
Edmiston, James Douglas
Edwards, Henry Charles
Edwards, John Cecil Le Fevre
Ellis, Cecil Flower
Evans, George Henry
Evans, Thomas Francis
Forster, John Henry Bacon
Foster, Stanley Fisher
Freer, John Thomas
Fritche, Cheslyn Whiston Allan
Gibbons, Robert
Gough, Harold
Gould, Alexander Cyril
Green, Frederick William
Greening, Claude
Griffith, Leoline Jenkins
Güah, George Elgood
Gwyther, Leslie Howard
Hall, James
Hamer, Henry
Hammond, Robert
Hardy, Arthur Conyers
Hardy, Henry
Hargreaves, Henry Cecil
Harrison, Arthur Gordon
Hart, Augustus Edwin
Haslewood, Herbert Dering
Horsman, John Graham Parry
Houseman, Henry de Lancy
Irlam, Alfred William
Irwin, Henry Dillon
James, Henry Hallam
Johnson, Joseph
Jones, Frederick George
Jones, Robert Joseph Edward
Jordan, Arthur Hudson
Kent, William George
Kidson, Arthur Frederic
Lawson, Andrew Miller
Lawson, Francis
Legg, William George
Lewis, Cyril Alexander Owen
Lofts, Philip
Lumley, William
McClure, Robert Rayner
Malden, Alfred William
Mayers, Francis Nigel
Morgan, Adam Thomas
Morley, Guy Estell
Morrah, Herbert Arthur
Mott, Robert Henry Lightfoot
Norris, George Goodwin
Parker, John
Pogson, Frank Lycett
Poole, Frederick William
Price, Ernest Edward Joshua
Prosser, William Henry
Pryor, Cyril Herbert
Pūannis, Abram St. Chard
Rees, Daniel Esmond
Rickinson, Matthew
Roberts, Nathaniel
Rogers, Robert Dennys
Rotten, John Richard Charles
Saunders, John Gower
Scott, George
Shaw, Thomas Davidson
Sinden, Arthur Frederick
Skeet, Francis John Angus
Slater, Charles William
Smith, George Garner
Smith, Harry P.
Smith, John
Smith, William McKenzie
Spokes, Frederick William
Steavenson, Henry Gordon
Steele, Albert George
Taylor, Allan Reed
Thomas, George
Tillet, Henry Ellis Turner
Tomlinson, William
Triemer, Henry Theodore
Turner, Frederick
Twemlow, Edward George
Wade, David Treharne Newton
Walker, Stephen Henry
Wardle, Arthur James
Weld, Joseph Edward
Whitford, Charles Edward
Wilkins, William Harry
Williams, Ernest Reed
Young, Arthur Dickson Waring

Honours Examination.

April, 1887.

At the examination for honours of candidates for admission on the roll of solicitors of the Supreme Court, the examination committee recommended the following gentlemen as being entitled to honorary distinction:—

First Class.

[In order of merit.]

Frank Augustus Padmore, who served his clerkship with Mr. Thomas Southall, of Worcester; and Messrs. Church, Rendell, & Co., of London.

Alfred Bassett Starbuck Welch, who served his clerkship with Mr. Robert Hall, of Lancaster.

Christopher John Parker, who served his clerkship with Mr. Richard Stephens Jackson, of London.

William George, who served his clerkship with Mr. Randal Casson, of the firm of Messrs. Breese, Jones, & Casson, of Portmadoc.

Frederick George Neave, who served his clerkship with Mr. Arthur Augustus Padley, of Market Rasen.

William Irons, who served his clerkship with Mr. Dossey Wightman, of Sheffield; and Messrs. Jaques & Co., of London.

Dixon Henry Davies, who served his clerkship with Mr. Fred. Horatio Barr, of the firm of Messrs. Nelson, Barr, and Nelson, of Leeds and London.

John Henry Hutchings, who served his clerkship with Mr. William Smith, of Dartmouth.

Frank Heron Wilson, who served his clerkship with Messrs. Griffith & Lamb, of Cardiff; and Torr, Janeways, & Gribble, of London.

Second Class.

[In alphabetical order.]

Godfrey Hale Boyce, who served his clerkship with Mr. Matthias Boyce, of London.

Thomas Hart, who served his clerkship with Mr. Francis Summers, of Hull; and Mr. John Thomas Cotton, of London.

Francis Robert Nott, who served his clerkship with Mr. Frederick Sortaine Hancock, of Devizes; and Henry Archibald Dowse, of London.

Third Class.

William Luscombe Munday, who served his clerkship with Messrs. Gush, Phillips, Walters, & Williams, of London.

The Council of the Incorporated Law Society have accordingly given class certificates and awarded the following prizes of books:—

To Mr. Padmore—prize of the Honourable Society of Clement's-inn—value 10 guineas; and the Daniel Reardon prize—value about 25 guineas.

To Mr. Welch—prize of the Honourable Society of Clifford's-inn—value 10 guineas.

To Mr. Parker—prize of the Honourable Society of New-inn—value 5 guineas.

To Mr. George—prize of the Incorporated Law Society—value 5 guineas.

To Mr. Neave—prize of the Incorporated Law Society—value 5 guineas.

To Mr. Irons—prize of the Incorporated Law Society—value 5 guineas.

To Mr. Davies—prize of the Incorporated Law Society—value 5 guineas.

To Mr. Hutchings—prize of the Incorporated Law Society—value 5 guineas.

To Mr. Wilson—prize of the Incorporated Law Society—value 5 guineas.

The council have given class certificates to the candidates in the second and third classes.

The number of candidates who attended the examination was 27.

LEGAL NEWS.

OBITUARY.

Mr. George Alden Stevens, solicitor (of the firm of Miller, Stevens, & Son), of Norwich, died on the 14th inst. Mr. Stevens was born in 1831. He was admitted a solicitor in 1870, and he had ever since practised at Norwich. He had an extensive practice in the city and neighbourhood, and he was at the time of his death associated in partnership with Mr. Henry Blake Miller, the town clerk of Norwich, and with his son, Mr. William George Stevens. He was buried on the 19th inst. Mr. Stevens was for many years a member of the Norwich Town Council, and he was an alderman at the time of his death. The town council have passed a vote of condolence with his family, and the mayor and many members of the corporation were present at the funeral.

Mr. Theodore Bryett, solicitor (of the firm of Bryett & Hare), of Totnes, died on the 19th inst., at the age of seventy-seven. Mr. Bryett was born in 1810. He was admitted a solicitor in 1840, and he had since conducted a large practice at Norwich. He had been for thirty-five years registrar of the Totnes County Court (Circuit No. 58), and he was district registrar under the Judicature Acts. Mr. Bryett was in partnership with Mr. Frederick Trelawney Hare, who is clerk to the Totnes Burial Board and clerk to the county magistrates.

APPOINTMENTS.

Mr. John Rogers Jennings, solicitor, of 7, Great Winchester-street, received the honour of knighthood on the 14th inst. at the opening by the Queen of the People's Palace, Mile End. Sir J. Jennings was admitted a solicitor in 1845. He is a member of the Court of Assistants of the Drapers' Co., and is master of the company for the current year.

Mr. William Brandford Griffith, barrister, C.M.G., has been created a Knight Commander of the Order of St. Michael and St. George. Sir W. Griffith was called to the bar at the Middle Temple in June, 1881. He has been for several years Governor of the Gold Coast Colony, and he was created a Companion of the Order of St. Michael and St. George in 1879.

Mr. Robert Wilkinson, barrister, has been appointed Junior Prosecuting Counsel to the Mint at the Central Criminal Court. Mr. Wilkinson was called to the bar at Lincoln's-inn in Easter Term, 1866. He is a member of the South-Eastern Circuit.

Mr. Arthur Snick Smith, barrister, has been appointed a Puisne Judge for the Island of Cyprus. Mr. Justice Smith was called to the bar at the Middle Temple in January, 1881. He has been for some time acting as Solicitor-General of British Guiana.

Mr. Richard Edmund Hilbert Fisher, solicitor, of 1, New-court, Carey-street, and of Harrow, has been appointed Clerk to the Harrow Local Board. Mr. Fisher was admitted a solicitor in 1880.

Mr. William Pease, solicitor, of Lostwithiel, has been appointed Town Clerk of that borough.

Mr. Frederick Henry Bright, solicitor (of the firm of Beaumont, Son, & Bright), of Maldon, has been appointed Clerk to the County Magistrates and Clerk to the Commissioners of Land Tax and Income Tax for the Hundred of Dengie, on the resignation of his partner, Mr. Joseph Beaumont. Mr. Bright was admitted a solicitor in 1884.

Mr. Guiseppe Carbone, LL.D., Crown Advocate for the Island of Malta, has been created a Companion of the Order of St. Michael and St. George.

Mr. William Alexander Baillie Hamilton, barrister, has been created a Companion of the Order of St. Michael and St. George. Mr. Hamilton is the son of Admiral William Alexander Baillie Hamilton, and was born in 1844. He was called to the bar at the Inner Temple in Michaelmas Term, 1872. Mr. Hamilton has been for many years a clerk in the Colonial Office. He is private secretary to Sir Henry Holland, and he acted as secretary to the recent Colonial Conference.

Mr. Robert Humphreys Roberts, solicitor, of Denbigh, has been appointed a Magistrate for that borough. Mr. Roberts is Mayor of Denbigh for the present year. He was admitted a solicitor in 1865.

Mr. Samuel Roberts, barrister, has been appointed a Justice of the Peace for the West Riding of Yorkshire. Mr. Roberts was called to the bar at the Inner Temple in Easter Term, 1877, and for some years practised in the Chancery Division.

Mr. Clifton H. Tickell, solicitor, of No. 37, Walbrook, London, E.C., has been appointed a Commissioner to administer Oaths for New Zealand.

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

Rota of Registrars in Attendance on

Date.		Appeal Court No. 1.	Appeal Court No. 2.	Mr. Justice Kay.	Mr. Justice Chitty.
Wed., June	1	Mr. Leach	Mr. Jackson	Mr. Pugh	Mr. Lavie
Thursday	2	Godfrey	Koe	Beal	Carrington
Friday	3	King	Jackson	Pugh	Lavie
Saturday	4	Ward	Koe	Beal	Carrington
			Mr. Justice North.	Mr. Justice Stirling.	Mr. Justice Kekewich.
Wednesday, June	1	Mr. Ward	Mr. Pemberton	Mr. Godfrey	
Thursday	2	King	Clowes	Leach	
Friday	3	Ward	Pemberton	Godfrey	
Saturday	4	King	Clowes	Leach	

WINDING UP NOTICES.

London Gazette.—Friday, May 20.

JOINT STOCK COMPANIES.

Limited in Chancery.

British Empire Match Co, Limited.—Creditors are required, on or before June 17, to send their names and addresses, and the particulars of their debts or claims, to Frederic George Painter, 2, Moorgate st bldgs. Monday, June 27, at 12, is appointed for hearing and adjudicating upon the debts and claims

Penarth (Cardiff) Pier Co, Limited.—Petn for winding up, presented May 18, directed to be heard before Chitty, J., on June 11. Allen & Edwards, Old Jewry, solors for petners

Victoria Graving Dock Co, Limited.—By an order made by North, J., on April 30, it was ordered that the voluntary winding up of the above company be continued.

Ystalyfera Gas Co, Limited.—Creditors are required, on or before Wednesday, June 15, to send their names and addresses, and the particulars of their debts and claims, to Edwin Alfred Wright, Brecon. Wednesday, June 29, at 12, is appointed for hearing and adjudicating upon the debts and claims

Unlimited in Chancery.

Albion Mutual Permanent Benefit Building Society.—Petn for winding up, presented May 17, directed to be heard before Chitty, J., on June 11. Collisson & Co, Bedford row, solors for petner

Albion Mutual Permanent Benefit Building Society.—Petn for winding up, presented May 18, directed to be heard before Chitty, J., on June 11. Bolton & Co, Lincoln's inn fields, agents for Strickland & Roberts, Bristol, solors for petner

Albion Mutual Permanent Benefit Building Society.—Petn for winding up, presented May 17, directed to be heard before Chitty, J., on Saturday, June 11. Clarke & Co, Lincoln's inn fields, agents for Fussell & Co, Bristol, solors for petners

London Gazette.—Tuesday, May 24.

JOINT STOCK COMPANIES.

Limited in Chancery.

Edge Brothers, Limited.—Creditors are required, on or before July 7, to send their names and addresses, and particulars of their debts or claims, to John Charles Rush, 111, Finsbury pavement. Wednesday, July 13, at 2, is appointed for hearing and adjudicating upon debts and claims

Flintshire Oil and Cannel Co, Limited.—By an order made by North, J., dated May 14, it was ordered that the company be wound up. Gregory & Co, Bedford row, agents for Hill & Co, Liverpool, solors for petner

Hatchett's Hotel Co, Limited.—Creditors are required, on or before June 14, to send their names and addresses, and the particulars of their debts or claims, to Edward Moore, 8, Crosby sq. Tuesday, June 28, at 12, is appointed for hearing and adjudicating upon the debts and claims

Rowe & Co, Limited.—Petn for winding up, presented May 23, directed to be heard before North, J., on June 11. Harris & Co, Coleman st, solors for petners

Tyne Forge Co, Limited.—Petn for winding up, presented May 21, directed to be heard before Chitty, J., on June 11. Williamson, Hill, & Co, Sherborne lane, for Ingledew & Daggett, Newcastle upon Tyne, solors for petners

Yorkshire Aerated Water Co., Limited.—By an order made by Stirling, J., dated May 14, it was ordered that the company be wound up. Edmonds, Theobalds rd, agent for Milling, Leeds, solors for petner

FRIENDLY SOCIETIES DISSOLVED.

Benefit Society, Bull's Head Inn, Hall Green, Worcester. May 19

Portsmouth District Juvenile Branch of the Independent Order of Odd Fellows, Manchester Unity, Friendly Society, Royal Standard Tavern, Queen st, Portsea. April 13

CREDITORS' NOTICES.

UNDER ESTATES IN CHANCERY.

Last Day of Claim.

London Gazette.—Friday, May 20.

Bigwood, Augusta, Treherne ter, Mortlake. June 17. Bigwood v Bigwood, Chitty, J. Franklin, Strand

Humphreys, Sarah Abergele, Denbigh. June 15. Clifford v. Clifford, Chitty, J. Farlow & Jackson, Gracechurch st

Harrington, Sydney Cornish, Charlton, Kent, Esq. June 24. Clothier v Harrington, Stirling, J. Burnett, Temple

Blow, Joshua, Clapham rd, Manager to a Stationer. June 17. Ewin v Kennard, Chitty, J. Tilling, Devonshire chmbrs, Bishopsgate

London Gazette.—Tuesday, May 24.

Ashwin, Stephen Godfrey, Brick ct, Temple, Solicitor. June 20. Rymill v Ashwin, Kay, J. Tilsley, Gt Tower st

Bainbridge, Charlotte, Kent cottages, Charles st, St John's Wood. June 17. Pain v Goren, Chitty, J. Thrupp, New Bond st

Isaac, Samuel, Warrington cres, Maida Vale. June 23. Cronbach v Isaac, Kay, J. Grover & Humphreys, King's Bench walk

Pattinson, Joseph, Amhurst park, Stamford Hill, Merchant. June 27. Knott v Pattinson, Stirling, J. Powell & Co, Staple inn

Vansittart, Colebaine Robert, Rue Vernet, Paris, Captain. June 21. Bexley v Garden, North, J. Holt, Charles st, St James's sq

UNDER 22 & 23 VICT. CAP. 35.

Last Day of Claim.

London Gazette.—Tuesday, May 10.

Adey, Anne, Wolverhampton. July 1. Walker & Son, Wolverhampton

Ainsley, Robert, York, Furniture Broker. July 1. Smith, York

Apps, William, Mereworth, Kent, Cattle Salesman. June 10. Stenning, Maidstone

Ayrton, Richard, Ovenden, York, Farmer. June 6. Wavell & Co, Halifax

Bell, George, Seaton Delaval, Northumberland, Gardener. June 13. Sidney & Son, Blyth

Benoimont, James, New Thornton Heath, Gent. July 30. Godden, Lime st

Bosomworth, William, Carlton Husthwaite, York, Farmer. June 6. West, Thirsk

Bowes, James, Jarrow-upon-Tyne. June 16. Newlands & Newlands, South Shields

Bullock, Mary, Handsworth, Stafford. June 14. Rowley & Chatwin, Birmingham

Burrows, Henry, Charlcombe, Somerset, Innkeeper. June 17. Simmons & Co, Bath

Cornwell, William, Bermondsey, Gent. June 24. Wilkinson & Son, Bermondsey

Curme, George, Dorchester, Surgeon. June 6. Decimus Curme, Child Okeford, Blandford

Dallaway, Elizabeth, Knowle, Warwick. June 25. Pointon, Birmingham

Dowling, Thomas, South Hampstead, Merchant. June 14. Evans & Blaxland, Eastcheap

Eccleston, Julia, Blackburn, Innkeeper. June 21. Darley & Crossley, Blackburn

Forsaith, Catherine, Weston-super-Mare. June 24. Smith & Sons, Weston-super-Mare

Lewin, Thomas Dibble, Higher Broughton, Lancaster, Contractor. June 4. Rowcliffe, Manchester

Long, Edward Walter, Cambridge, Auctioneer. June 10. Bonnett, Cambridge

Martin, Jane Ann, Plymouth. July 1. Rooker & Co, Plymouth

Nisbet, William Charles, Stoke Newington, Master Mariner. June 18. Hayward, London wall

Percival, Sarah, Warrington. June 25. Lamb, Birkenhead

Pertt, Richard Walter, Canterbury, Baker. June 16. Hilton, Canterbury

Rosbrook, Charles, Upper Norwood, Gent. June 20. Chandler, Bishopsgate st Within

Routledge, Joshua, Sandon, Hertford, Gent. June 18. Taylor & Taylor, New Broad st

Slater, Thomas, Applebury Hill, Lancaster, Yeoman. May 26. Tyson, Dalton-in-Furness

Smith, Charles, Southport, Gent. July 9. Makinson & Co, Manchester

Spencer, Edmund, Manchester, Cloth Agent. June 10. Holt, Manchester

Stevenson, Rev Thomas, Harrington sq. July 1. Miller & Son, Savile row

Sullivan, Catherine, Birkenhead. June 12. Bremner & Co, Liverpool

Swann, Cecilia Charlotte, Cambridge. June 14. Ellison & Burrows, Cambridge

Taylor, Margaret, Wheatley, Doncaster. June 16. Jackson, Doncaster

Thompson, John, Docker Garths, Westmoreland, Yeoman. June 13. Arnold & Greenwood, Kendal

Wainman, Benjamin, Harrogate, Gent. June 21. Bond & Co, Leeds

Watson, George, Tewkesbury, Draper. May 31. Brookes & Badham, Tewkesbury

Westley, William, Regent st, Optician. June 20. Lewin & Co, Southampton st

Whitmore, Mary Ann, Aston, Warwick. June 24. Coleman & Co, Birmingham

Wilson, Dorothy, Haslewood, Derby. June 11. Walker, Belper

Yardley, William, Brixton, Gent. July 1. Milner, Blackman st, Southwark

London Gazette.—Friday, May 13.

Allen, Ralph Shuttleworth, Bathampton, Bath. June 25. Stone & Co, Bath

Allonby, Sarah, Dalton in Furness, Lancaster. May 20. Tyson, Dalton in Furness

Barlow, Henry, Salford, Gent. June 24. Crofton & Craven, Manchester

Bedforth, Joseph, Halifax, Gent. June 2. Robson & Suter, Halifax

BLOTT, WILLIAM, Meldreth, Cambs, Farmer. June 10. Bonnett, Cambridge

BOWIE, JOHN, Exmouth, Esq. June 1. Brittan & Co, Bristol

BRAND, THOMAS, Godstone, Surrey, Miller. July 14. Pearless & Sons, East Grinstead

BROWNING, JAMES GEORGE BUTTON, Paddington green, Gent. June 13. Le Riche & Norman, Rood lane

BRYANT, CHARLES, Highbury New pk, Builder. June 24. Waller & Sons, Coleman st

BUTCHER, HENRY CHARLES, Chelsea, China Dealer. June 30. Whites & Co, Budge row

CLYNE, EDWARD HELE, Teignmouth, Esq. June 11. Fraser, Furnival's inn

COLLEY, CORNELIA, Sunny Hill rd, Streatham. June 24. Minet & Co, King William st

COLLIER, ALFRED FREDERIC, Guildford rd, Clapham. June 11. Snell & Co, George st, Mansion house

CROMWELL, MARGARET, Harpurhey, Lancaster. Sept 30. Lowndes, Manchester

CROSIER, EDWARD, Newcastle upon Tyne, Tailor. June 10. Davies & Balkwill, Newcastle on Tyne

DAWSON, SHARP, Halifax, Stuff Presser. June 1. Robson & Suter, Halifax

DENNEY, JOSEPH, Gt Coggeshall, Essex, Gent. July 16. Beaumont & Son, Coggeshall

DONKERSLEY, TIMOTHY, Magdale, York, Cloth Manufacturer. June 27. Hall & White, Huddersfield

EVANS, THOMAS, Pen y Bryn, Derby, Inspector of Mines. Aug 31. Withington & Co, Manchester

FALKINGHAM, MARY ANN, Leeds. July 10. Emsley, Leeds

FIELDEN, JOSHUA, Redhill, Esq. June 10. Kearsey & Co, Old Jewry

GRAINGE, ELIZABETH, Uxbridge. June 20. Woodbridge & Sons, Uxbridge

HARDMAN, WILLIAM, Haulgh, Lancaster, Restaurant Keeper. July 9. Ryley, Bolton

JACKSON, LOUISA, Weymouth. July 2. Andrews & Co, Weymouth

LAWRENCE, JOHN, New Windsor, Gent. June 15. Long & Co, Windsor

LITTLEHALES, BENDALL, Holwell, Dorset, Esq. June 24. Minet & Co, King William st

MATHEWS, HENRY STAVERTON, Bentworth, Southampton, Clerk in Holy Orders. June 13. Caprons & Co., Savile place

NETTLEFOLD, ELIZA GRACE, Winchester. June 20. Haynes, Pall Mall

NICCOLLS, MARY, Bath. June 25. Stone & Co, Bath

PADLEY, MARIA, Balham. June 20. Crossman & Co, Theobald's road

PENNICOTT, THOMAS, Surly Hall, Berks, Licensed Victualler. June 15. Long & Co, Windsor

PULLEN, ANN, Woburn pl, Russell sq, June 30. Janson & Co, Finsbury circus

RAMSEY, JOHN, South Shields, Master Mariner. June 10. Scott, South Shields

RITSON, NANCY, Toronto, Canada. June 13. Norman, Carlisle

SANDERSON, JOHN, Clapham rd, Esq. June 30. Denton & Co, Gray's inn sq

SHOOBRIDGE, THOMAS HOFFGAARD, Witham, Essex, Farmer. June 24. Blood, Essex

SMITH, FRANCIS, Newbiggen by the Sea, Northumberland, Gent. June 15. Clayton & Gibson, Newcastle upon Tyne

SMITH, GEORGE SMITH, Chester, Gent. June 16. Tatlock, Chester

STEELE, HENRY, Birmingham, Hairdresser. June 24. Thomas, Birmingham

SWAYNE, GEORGE WALKER, Dalston, Engineer. June 4. Mary Varley Swayne, 40, Albion rd, E

THOMPSON, JAMES, Halifax, York. June 25. Boocock, Halifax

TREWICK, WILLIAM, Jarrow, Durham, Blacksmith. June 14. Scott Hopper, Newcastle upon Tyne

London Gazette.—TUESDAY, May 17.

ANDRIEU, ANN, New Kent rd. June 24. Langham, Bartlett's bldgs

BARROWCLIFFE, SARAH, Chesterfield, Milliner. June 18. Gee, Chesterfield

BOUSFIELD, SAMUEL, Horsham, Gent. July 1. Potter & Co, King st, Cheapside

BUCKLEY, GEORGE, Hoyland Swaine, York, Farmer. June 7. Wilson, Sheffield

CALDECUTT, THOMAS, Manchester, Plumber. June 30. Slater & Co, Manchester

CLIFF, JAMES, Winshill, Derby, Engineer. July 5. Goodger, Burton on Trent

DADDS, WILLIAM, Maidstone, Gent. July 1. Case & Son, Maidstone

FRANCA, JOSEPH HENRY DE, Southampton, Esq. July 2. Minet & Co, King William st

FARNWORTH, ELIZABETH, Astley, Lancaster. June 11. Widdows, Leigh

FINNEY, STEPHEN, Henley on Thames, Oxford, Esq. June 24. Baileys & Co, Berners st

FURNER, JAMES HENRY, Hastings, Pensioner. June 24. Child & Son, South sq, Gray's inn

GINDER, WILLIAM, Upper Clapton, Licensed Victualler. June 25. Nash & Co, Queen st, Cheapside

GREEN, ELIZABETH, Bishopston, Gloucester. June 16. Stanley & Co, Bristol

GREENWOOD, JOHN, Blomfield ter, Merchant. July 1. Anderson & Sons, Ironmonger lane

HODGES, ELIZA, Chelsea. June 1. Tower, Lower Thames st

HOWELL, SUSAN, Upper Redbrook, Monmouth. June 24. Wintle & Son, Newnham

ILLINGWORTH, SAMUEL, Bradford, Coal Agent. July 6. Rawnsley, Bradford

JAMES, MARIA, Gt Yarmouth. June 18. Harmer & Ruddock, Gt Yarmouth

KENNARD, HUGH COLERIDGE DOWNING, Hans pl. June 20. Parker & Co, St Michael's Rectory, Cornhill

LITTLE, LUCY ANNE, York. June 14. Ware & Son, York

PERKINS, HARRIET HOPTON, Cotham, Bristol. June 15. Osborne & Co, Bristol

PICKERING, SARAH ANN LEDLEY, Sheffield. June 25. Wake & Co, Sheffield

PONSFORD, WILLIAM, Crown ct, Butcher. June 10. Brown, Cockspur st, Pall Mall

SAXTON, WILLIAM, Ripley, Derby, Model Maker. June 16. Peake, Ripley

SPURLING, CHARLES EDWARD, Verulam bldgs. July 1. Vandercom & Co, Bush lane

TURNOCK, ELIZABETH SECKER, New Southgate. June 20. Ashton, Sackville st, Piccadilly

WILSON, ELIZABETH, Shavington-cum-Gresty, Chester. July 1. Bygott, Sandbach

WIRDNAM, GEORGE WIRDNAM, Wanborough, Wilts, Farmer. June 14. Jones & Forrester, Malmesbury

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, May 20.

RECEIVING ORDERS.

BARRACLOUGH, JOHN, Morley, Yorks, Innkeeper. Dewsbury. Pet May 17. Ord May 17

BEDWORTH, DAVID, West Bromwich, Butcher. Oldbury. Pet May 14. Ord May 14

BEESTON, EDWARD JAMES, North Eling, Hampshire, Brick Manufacturer. Southampton. Pet May 16. Ord May 16

BOWDEN, JOHN FRANCIS WOOLDRIDGE, FELIX JOYCE BOWDEN, and JOHN OUTLAW, Great Portland st, Oxford st, Printsellers. High Court. Pet March 29. Ord May 17

BROOKS, JOSEPH, West Hartlepool, Fruit Merchant. Sunderland. Pet May 13. Ord May 13

BROWN, JOHN, Tadema rd, Chelsea, Tailor. High Court. Pet April 6. Ord May 17

CALAM, WILLIAM, East Acklam, Yorks, Farmer. Scarborough. Pet May 16. Ord May 16

CARR, HENRY JOHN, Bristol, Grocer. Bristol. Pet May 16. Ord May 16

CHRISTIAN, EMMA, Worcester, Mantle Dealer. Worcester. Pet May 16. Ord May 16

CLEGG, THOMAS, Bury, Lancashire, Hat Manufacturer. Bolton. Pet May 15. Ord May 15

CRELLIN, HENRY, Liscard, Cheshire, Builder. Birkenhead. Pet April 27. Ord May 14

DAVIS, LOUISA, and SARAH DAVIS, Bristol, Umbrella Manufacturers. Bristol. Pet May 16. Ord May 16

DUTHOIT, WALTER FRANKLAND, Leeds, Tobacconist. Leeds. Pet May 16. Ord May 16

ELLIS, GEORGE, New Mill, nr Littleborough, Grocer. Oldham. Pet May 18. Ord May 18

FERRIANI, ALESSANDRO, Gower st, Doctor of Medicine. High Court. Pet Jan 6. Ord May 16

GIBSON, WILLIAM, Nottingham, Baker. Nottingham. Pet May 12. Ord May 12

GIBSON, WILLIAM ASHTON, Chelmsford, Miller. Chelmsford. Pet May 17. Ord May 17

HANKINSON, GEORGE HENRY, Warwick, Pork Butcher. Warwick. Pet May 17. Ord May 17

HEWETT, ROBERT ILES, Bristol, Brewer. Bristol. Pet May 17. Ord May 17

HORNSBY, JAMES THOMAS, Heighington, Durham, Saddler. Stockton on Tees and Middlesborough. Pet May 18. Ord May 18

HUGHES, WILLIAM SWANSTON, Newcastle on Tyne, Merchant. Newcastle on Tyne. Pet May 16. Ord May 16

HUNT, ROBERT, Charles st, St James's, Gent. High Court. Pet April 6. Ord May 16

HUNTINGDON, JAMES, Newcastle on Tyne, Musical Dealer. Newcastle on Tyne. Pet May 17. Ord May 17

JARDINE, ARTHUR MURRAY, Euston sq, Gent. High Court. Pet April 22. Ord May 16

JOHNSON, EDWIN, Swallowfield, Berks, Farmer. Reading. Pet May 17. Ord May 17

JONES, DAVID, Rhosllanerchrugog, near Wrexham, Butcher. Wrexham. Pet May 18. Ord May 18

JONES, JOHN, Llandovery, Carmarthenshire, Saddler. Carmarthen. Pet May 17. Ord May 17

MANNERS, GEORGE, Pickering, Yorks, Corn Dealer. Scarborough. Pet May 18. Ord May 18

MASON, JOSEPH FREDERICK, Holman rd, Battersea, Confectioner. Wandsworth. Pet May 16. Ord May 16

MELVILLE, ROBERT THOMAS, Chesterton, Cambridge, Builder's Foreman. Cambridge. Pet May 17. Ord May 17

RENTALL, WILCH MILES JENKYN, Bristol, Clerk. Bristol. Pet May 16. Ord May 16

SHEEN, FREDERICK, Leicester. Ironmonger. Leicester. Pet May 17. Ord May 17

SHORT, RICHARD HARRENFIELD, GEORGE SHORT, and WILLIAM REDFERN DEYKIN, Queen Victoria st, Merchants. High Court. Pet May 16. Ord May 16

SKRIVE, CLARMONT ALFRED, Brentwood, Gent. Chelmsford. Pet April 7. Ord May 17

SOUTHALL, DAVID, Edgbaston, Birmingham, Fish Dealer. Birmingham. Pet May 16. Ord May 16

SUGDEN, GEORGE, Leeds, Cabinet Maker. Leeds. Pet May 18. Ord May 18

SUMNER, WILLIAM THOMAS, Barrow, near Chester, Schoolmaster. Chester. Pet May 18. Ord May 18

TIPLADY, THOMAS, Wakefield, Stationer. Wakefield. Pet May 18. Ord May 18

UNDERWOOD, WILLIAM, Cinderford, Gloucester, Cabinet Maker. Gloucester. Pet May 17. Ord May 17

WHITBY, EDWARD ROE, Nottingham, Refreshment House Keeper. Nottingham. Pet May 12. Ord May 12

WHITEHEAD, EBENEZER, King's Lynn, Accountant. King's Lynn. Pet May 19. Ord May 19

WILLIAMS, EVAN, Bangor, Carnarvon. Printer. Bangor. Pet May 17. Ord May 17

RECEIVING ORDER RESCINDED.

ELWYN, C E, Harrington mansions, Queen's gate, Gent. High Court. Ord March 30. Resc May 16

FIRST MEETINGS.

BARBER, GEORGE, Liverpool, Tailor. June 3 at 2. Off Rec, 35, Victoria st, Liverpool

BARRINGTON, CALEB, Manchester, China Dealer. May 27 at 11.30. Off Rec, Ogden's chbrs, Bridge st, Manchester

BOON, WILLIAM, Beak st, Regent st, Railway Agent. May 27 at 11. 33, Carey st, Lincoln's inn

BROMBY, CHARLES HAMILTON, King's Bench walk, Temple, Barrister at law. May 27 at 11.30. 33, Carey st, Lincoln's inn

BURGUM, GEORGE, Cinderford, Glouces, Innkeeper. May 27 at 3. Lion Inn, Cinderford

CARR, HENRY JOHN, Bristol, Grocer. June 8 at 3.30. Off Rec, Bank chbrs, Bristol

CHRISTIAN, EMMA, Worcester, Mantle Dealer. June 2 at 11. Off Rec, Worcester

COOPER, GEORGE BENTON, Drury lane, Ironfounder. May 27 at 12. Bankruptcy bldgs, Portugal st, Lincoln's inn fields

DAVIS, LOUISA, and SARAH DAVIS, Bristol, Umbrella Manufacturers. June 6 at 12.45. Great Western Hotel, Paddington

DE GRUCHY, JAMES EDWARD, Crescent rd, South Norwood, Printer. May 27 at 11. Bankruptcy bldgs, Portugal st, Lincoln's inn fields

DENNIS, WILLIAM HENRY, Sheffield, Tobacco Manufacturer. June 2 at 12. Off Rec, Fig Tree lane, Sheffield

ESTHOVEN, H. C., New Bond st, Dealer in Works of Arts. May 27 at 2.30. 33, Carey st, Lincoln's inn

FIELD, JAMES THOMAS, Hastings, Eating-house Keeper. May 27 at 1. County Court, Bank bldgs, Hastings

GODBER, THOMAS, Nottingham, Baker. May 27 at 12. Off Rec, Nottingham

HEWETT, ROBERT ILES, Bristol, Brewer. June 3 at 12.30. Off Rec, Bank chmbrs, Bristol

HILL, CALEB FELIX ELISHA, Pelsall, Staffordshire, Butcher. June 3 at 11.15. Off Rec, Walsall

HILL, JOHN, Alvescott, Oxfordshire, Farmer. June 3 at 12.45. Marlborough Arms Hotel, Witney, Oxfordshire

HUGHES, WILLIAM SWANSTON, Newcastle on Tyne, Shipowner. June 3 at 11. Off Rec, Pink lane, Newcastle on Tyne

HUNT, WILLIAM HUGHES, Bradford, Tailor. May 27 at 11. Off Rec, 31, Manor row, Bradford

HUNTINGDON, JAMES, Newcastle on Tyne, Musical Dealer. June 1 at 12. Bankruptcy bldngs, Lincoln's inn fields

LEWIS, MORGAN LLEWELLYN, Cardiff, Grocer. May 27 at 3. Off Rec, 8, Crockherbtown, Cardiff

MELLOR, THOMAS, Sheffield, Grocer. June 2 at 1. Off Rec, Figtree lane, Sheffield

MILLER, THOMAS MCCRIE, Horsleydown, Surrey, Licensed Victualler. May 27 at 2.30. 33, Carey st, Lincoln's inn

MOORE, JAMES, Abergavenny, Mon, Wheelwright. May 27 at 3. Off Rec, Merthyr Tydfil

NICHOLAS, WILLIAM, Bristol, Flour Dealer. June 3 at 2.45. Off Rec, Bank chbrs, Bristol

NIXON, GEORGE TOOTH, LUTHER NIXON, and JOSEPH GILBERT BANKS, Rugeley, Ironfounders. June 9 at 3. County Court, Stafford

PEARCE, JOHN NOAH, Chelsea, Glass Painter. May 27 at 12. Bankruptcy bldgs, Lincoln's inn

PITCHFORTH, MARY ANN, Birkdale, Lancs, Lodging House Keeper. June 3 at 1. Off Rec, 35, Victoria st, Liverpool

RAWSTHORNE, ROBERT, Southport, out of business. June 2 at 3. Off Rec, 35, Victoria st, Liverpool

RESTALL, WILCE MILES JENKYN, Bristol, Clerk. June 3 at 3.15. Off Rec, Bank chbrs, Bristol

SLIGHT, JOHN BULLIVANT, King's Lynn, Clerk in Holy Orders. May 27 at 10.30. Court house, King's Lynn

SMITH, THOMAS BULMER, Leeds, out of business. May 27 at 11. Off Rec, 22, Park row, Leeds

TREGELLAS, JOSIAH, Plymouth, Tailor. June 3 at 12. 18, Frankfort st, Plymouth

TAYLOR, SAMUEL, Crewe, Cheshire, Hatter. June 15 at 10.45. Royal Hotel, Crewe

TURNER, ROBERT HENRY, Plymouth, Fish Buyer. June 3 at 11. 18, Frankfort st, Plymouth

UNDERWOOD, WILLIAM, Cinderford, Gloucester, Cabinet Maker. May 28 at 3.30. Off Rec, Gloucester

VILLANUEVA, FERNANDO LORENZO PEDRO, Erdington, Warwick, Ironmonger's Assistant. June 1 at 11. 25, Colmore row, Birmingham

WAGSTAFF, MARTHA, Sheffield, Draper. June 2 at 11. Off Rec, Figtree lane, Sheffield

WARD, JOHN, Sheffield, Grocer. June 2 at 10.30. Off Rec, Figtree lane, Sheffield

WHITBY, EDWARD ROE, Nottingham, Refreshment House Keeper. May 27 at 11. Off Rec, Nottingham

ADJUDICATIONS.

ARMSTRONG, RALPH, Rochdale, Lancashire, Licensed Victualler. Oldham. Pet May 10. Ord May 17

BARRACLOUGH, JOHN, Morley, Yorks, Innkeeper. Dewsbury. Pet May 17. Ord May 17

BRESTON, EDWARD JAMES, North Eling, Hampshire, Brick Manufacturer. Southampton. Pet May 16. Ord May 16

BENSON, GEORGE, Nun Monkton, Yorks, Licensed Victualler. York. Pet May 12. Ord May 14

BROOKS, JOSEPH, West Hartlepool, Fruit Merchant. Sunderland. Pet May 18. Ord May 18

CALAM, WILLIAM, East Acklam, Yorks, Farmer. Scarborough. Pet May 16. Ord May 16

CLEGG, THOMAS, Bury, Lancashire, Hat Manufacturer. Bolton. Pet May 16. Ord May 18

COLLINS, GEORGE, Chilmark, Wilts, Farmer. Salisbury. Pet May 13. Ord May 18

DUTHOIT, WALTER FRANKLAND, Leeds, Tobacconist. Leeds. Pet May 18. Ord May 18

GIBSON, WILLIAM, Nottingham, Baker. Nottingham. Pet May 12. Ord May 13

GODBER, THOMAS, Nottingham, Baker. Nottingham. Pet May 12. Ord May 17

HARRISON, THOMAS, Belper, Derbyshire, Ironfounder. Derby. Pet April 26. Ord May 17

HARTLAND, WILLIAM, Awre, Glouc, Farmer. Gloucester. Pet May 3. Ord May 18

HILL, JOHN, Alvescott, Oxfordshire, Farmer. Oxford. Pet Apr 5. Ord May 17

HORNSBY, JAMES THOMAS, Haighington, Durham, Saddler. Stockton on Tees and Middlesborough. Pet May 18. Ord May 18

HUTCHINSON, JOHN, and HENRY HUTCHINSON, Mark lane, Hemp Merchants. High Court. Pet Apr 6. Ord May 16

LLOYD, RICHARD, Newtown, Mont, Saddler. Newtown. Pet Mar 9. Ord May 16

MEAR, WILLIAM, Cudworth, nr Barnsley, Yorks, Engine Driver. Barnsley. Pet Apr 23. Ord May 18

NICHOLAS, WILLIAM, Bristol, Flour Dealer. Bristol. Pet May 14. Ord May 16

NIXON, GEORGE TOOTH, LUTHER NIXON, and JOSEPH GILBERT BANKS, Rugeley, Ironfounders. Stafford. Pet May 7. Ord May 17

NORRIS, ALFRED, and HENRY NORRIS, Bishopsgate st Within, Stationers. High Court. Pet Mar 11. Ord May 16

RAWDEN, EDWARD, Shipley, Yorks, Draper. Bradford. Pet Mar 26. Ord May 16

RANDALL, JOHN CLARKE, Cuxham, Oxfordshire, Miller. Oxford. Pet Apr 15. Ord May 14

RESTALL, WILCE MILES JENKYN, Bristol, Clerk. Bristol. Pet May 16. Ord May 16

SUGDEN, GEORGE, Leeds, Cabinet Maker. Leeds. Pet May 18. Ord May 18

TAYLOR, CHARLES JAMES, Cleckheaton, Yorks, Innkeeper. Bradford. Pet May 11. Ord May 14

TIPLADY, THOMAS, Wakefield, Stationer. Wakefield. Pet May 16. Ord May 16

VINE, RICHARD MAYLE WRICHELO, Lothbury, Clerk. High Court. Pet April 22. Ord May 16

WHITBY, EDWARD ROE, Nottingham, Refreshment House Keeper. Nottingham. Pet May 12. Ord May 17

London Gazette.—TUESDAY, May 24.

RECEIVING ORDERS.

BAIRSTOW, ALEXANDER, Stonycroft, Lancashire, Wine Merchant. Liverpool. Pet May 7. Ord May 20

BARKER, F. W., Ramsgate, Draper. Canterbury. Pet May 7. Ord May 20

BAUM, MARKS, Coventry, Watch Manufacturer. Coventry. Pet May 19. Ord May 19

BLEAKLEY, THOMAS MARSHALL, Birkenhead, Solicitor. Birkenhead. Pet May 5. Ord May 20

BUNT, JAMES, Worth, Kent, Carpenter. Canterbury. Pet May 20. Ord May 20

BYFORD, ALBERT THOMAS, Wethersfield, Essex, Innkeeper. Chelmsford. Pet May 19. Ord May 19

CHEETHAM, RICHARD HENRY, Southampton, Cutler. Southampton. Pet May 21. Ord May 21

CLARKE, CHARLES EDWARD, Abergavenny, Mon, Gunmaker. Tredegar. Pet May 21. Ord May 21

COX, CHARLES, Leeds, Cloth Finisher. Leeds. Pet May 10. Ord May 18

DAVIS, JOHN, and HENRY DAVIS, Tottenham court rd, House Furnishers. High Court. Pet May 19. Ord May 19

DAY, THOMAS JAMES, Manchester, Bookseller. Manchester. Pet May 21. Ord May 21

DENLEY, THOMAS COTTERILL, Bishop's Cleeve, Gloucestershire, Farmer. Cheltenham. Pet May 20. Ord May 20

DES VIGNES, GEORGE FRANCIS GABRIEL, Chertsey, Surrey, Boat Builder. Kingston, Surrey. Pet May 21. Ord May 21

FORRESTER, JAMES, and THOMAS HOBSON, Longton, Stafford, Majolica Manufacturers. Stoke upon Trent. Pet May 10. Ord May 10

GRAHAM, ROWLAND MOYSES, Gt Grimsby, Newsagent. Gt Grimsby. Pet May 19. Ord May 19

GRIFFIN, JOHN JAMES, Plymouth Market, Devon, Ironmonger. East Stonehouse. Pet May 19. Ord May 19

GUSH, FREDERICK RIDDIFORD, Cleveland st, Fitzroy sq, Carpet Salesman. High Court. Pet May 20. Ord May 20

HALL, JOHN, Manchester, Waiter. Manchester. Pet May 21. Ord May 21

HAMBROOK, SAMUEL DEAN, Folkestone, Upholsterer. Canterbury. Pet May 20. Ord May 20

HARRISON, REYNOLDS, Thornton Heath, Surrey, Laundryman. Croydon. Pet May 18. Ord May 18

HOFFMEISTER, CHARLES, and EDWARD HOFFMEISTER, Mark lane, Corn Merchants. High Court. Pet May 20. Ord May 20

HOLMES, BENJAMIN, Otley, Yorks, Coal Merchant. Leeds. Pet May 21. Ord May 21

HOPKINS, EDWARD, Church rd, Stoke Newington, out of business. Poole. Pet May 19. Ord May 19

HUNT, EDMUND CLIFFORD, West Hanningfield, Essex, Butcher. Chelmsford. Pet May 20. Ord May 20

HUNTER, THOMAS, jun, Margate, Tailor. Canterbury. Pet May 20. Ord May 20

KENNING, ANN, and FRED KENNING, Rotherham, Yorks, Grocers. Sheffield. Pet May 18. Ord May 18

MOLSON, WILLIAM ALGERNON, Spalding, Lincolnshire, Hay Merchant. Peterborough. Pet May 20. Ord May 21

NORRIS, WILLIAM HENRY, Bracknell, Berks, Builder. Windsor. Pet May 19. Ord May 19

NORTHCROFT, GEORGE, Seaforth, Lancashire, Surveyor. Liverpool. Pet May 19. Ord May 19

OWEN, JOHN, and HENRY OWEN, Bangor, Writing Slate Manufacturers. Bangor. Pet May 19. Ord May 19

POSTLE, THOMAS, Ashton under Lyne, Brewers' Traveller. Ashton under Lyne and Stalybridge. Pet May 20. Ord May 20

PRICE, JOHN, Nottingham, Builder. Nottingham. Pet May 20. Ord May 20

ROBINSON, WILLIAM, Hatton Garden, Insurance Agent. High Court. Pet April 22. Ord May 19

RUMSEY, W. B., St Paul's churchyard, Manufacturers' Agent. High Court. Pet May 9. Ord May 19

SEARS, JOHN NEWTON, Norfolk ter, Bayswater, Promoter of Public Companies. High Court. Pet Dec 22. Ord May 12

STOCKBRIDGE, WILLIAM, Scaleby, Cumberland, Innkeeper. Carlisle. Pet May 20. Ord May 20

TAYLOR, EDWARD, Birmingham, Drysalter. Birmingham. Pet May 20. Ord May 20

THOMPSON, FREDERICK JOHN, Somerby, Leicestershire, Publican. Leicester. Pet May 21. Ord May 21

TOMBS, EDWARD, Shilton, nr Burford, Oxford, Farmer. Oxford. Pet May 21. Ord May 21

WATSON, TAYLOR, Batley, Yorks, Oil Extractor. Dewsbury. Pet May 20. Ord May 20

WELBOURNE, EDWARD, Pontefract, Yorks, Jeweller. Wakefield. Pet May 19. Ord May 19

WHITING, BENJAMIN WILSON, Diss, Norfolk, Builder. Ipswich. Pet May 18. Ord May 18

WILLIAMS, CECIL HENRY JOHN, Gt Portland st. High Court. Pet May 18. Ord May 19

WILSON, SAMUEL, Brightlingsea, Essex, Carpenter. Colchester. Pet May 19. Ord May 19

RECEIVING ORDER RESCINDED.

LOGG, HERMANN, London wall, Merchant. High Court. Ord Jan 11. Resc May 19

FIRST MEETINGS.

BARNES, SAMUEL JOHN, Moseley, Worcestershire, Artist. June 6 at 11. 25, Colmore row, Birmingham

BARRACLOUGH, JOHN, Morley, Yorks, Innkeeper. June 2 at 10. Off Rec, Bank chbrs, Batley

BRESTON, EDWARD JAMES, North Eling, Hants, Brick Manufacturer. June 1 at 2. Off Rec, 4, East st, Southampton

BLEAKLEY, THOMAS MARSHALL, Birkenhead, Solicitor. June 1 at 2. Off Rec, 48, Hamilton sq, Birkenhead

BROADGATE, JOSEPH PALFREMAN, Brigg, Lincolnshire, Auctioneer. June 2 at 11. Sowter, solor, Brigg

BROOKS, JOSEPH, West Hartlepool, Fruit Merchant. June 1 at 1.30. Off Rec, 21, Fawcett st, Sunderland

BUSK, CHARLES WESTLY, Morden rd, Blackheath, Civil Engineer. Aug 3 at 3. 109, Victoria st, Westminster

CHANTRY, BREWSTER, & CO, Birmingham, Tea Merchants. June 7 at 11. 25, Colmore row, Birmingham

CLEGG, THOMAS, Bury, Lancs, Hat Manufacturer. June 2 at 11.30. 16, Wood st, Bolton

ELLIS, GEORGE, Littleborough, Lancs, Grocer. June 1 at 3.30. Townhall, Rochdale

FOULKES, FOULK WILLIAM, Llanddeiniolen, Carnarvonshire, Butcher. June 2 at 2. Queen's Head Cafe, Bangor

GIBSON, WILLIAM, Nottingham, Baker. June 2 at 11. Off Rec, 1, High Pavement, Nottingham

GIDSON, WILLIAM ASTON, Chelmsford, Miller. June 1 at 10.15. Shirehall, Chelmsford

HAMBROOK, SAMUEL DEAN, Folkestone, Upholsterer. June 1 at 11.30. Bankruptcy bldgs, Lincoln's inn

HOLLING, JOHN, Tankersley, Yorks, Innkeeper. June 2 at 11.30. Off Rec, 8, Eastgate, Barnsley

HOPKINS, EDWARD, Church rd, Stoke Newington, out of business. June 2 at 1.15. Off Rec, Salisbury
HUNTER, THOMAS, jun, Margate, Tailor, June 1 at 1. Bankruptcy bdgs, Lincoln's inn
JONES, GEORGE WINTER, Soho, Stafford, Iron Merchant. June 2 at 11. 25, Colmore row, Birmingham
JONES, JOHN, Llandovery, Carmarthen, Saddler. June 3 at 2. Off Rec, 11, Quay st, Carmarthen
JONES, MARY, Ceilan, Cardigan, Farmer. May 31 at 11. Off Rec, 11, Quay st, Carmarthen
KELSEY, WILLIAM, Bisley, Gloucester, LRCP and LRCS. June 1 at 11. Bankruptcy bdgs, Portugal st, Lincoln's inn fields
LEWIS, GEORGE, Cardiff, Glass Merchant. June 3 at 12. Off Rec, 8, Crockherbtown, Cardiff
MANNERS, GEORGE, Pickering, Yorks, Coal Dealer. June 1 at 11.30. Off Rec, 74, Newborough st, Scarborough
MELVILLE, ROBERT THOMAS, Chesterton, Cambridge, Builder's Foreman. June 1 at 12. Bankruptcy bdgs, Portugal st, Lincoln's inn fields
PEACE, HENRY HORTON, Denby Dale, Yorks, out of business. June 3 at 12. Off Rec, 3, Eastgate, Barnsley
RICHARDS, THOMAS, Aston, Warwickshire, Confectioner. June 3 at 11. 25, Colmore row, Birmingham
ROBERTSON, ROBERT ARTHUR, Great Grimsby, Smack Owner. June 6 at 12. Off Rec, 3, Haven st, Great Grimsby
SHEEN, FREDERICK, Leicester, Ironmonger. June 6 at 3. 28, Friar lane, Leicester
SKRINE, CLARMONT ALFRED, Brentwood, Gent. June 1 at 10. Shirehall, Chelmsford
STOCKBRIDGE, WILLIAM, Scaleby, Cumberland, Innkeeper. June 6 at 12. Off Rec, 34, Fisher st, Carlisle
TIPLADY, THOMAS, Wakefield, Stationer. June 2 at 2. Off Rec, Bond ter, Wakefield
WENNEY, JOHN, New Clee, Fish Merchant. June 3 at 12.30. Off Rec, 3, Haven st, Great Grimsby
WILLEY, WILLIAM JOHN LEICESTER, Birmingham, Stationer. June 3 at 3. 25, Colmore row, Birmingham
WOOD, WALTER, Thirsk, Yorks, Tallow Chandler. June 2 at 1. Strickland's Depot Hotel, Thirsk Junction, Thirsk

ADJUDICATIONS.

BROWN, EDWIN CECIL, Burton on the Wolds, Leicester, Farmer. Leicester. Pet April 30. Ord May 20
BURNAND, JOSEPH BALE, Old st, Shoreditch, Upholsterers' Warehouseman. High Court. Pet March 17. Ord May 19
BURT, JAMES, Worth, Kent, Carpenter. Canterbury. Pet May 20. Ord May 20
CARR, HENRY JOHN, Bristol, Grocer. Bristol. Pet May 18. Ord May 20
FOULKES, FOULK WILLIAM, Llanddeiniolen, Carnarvon, Butcher. Bangor. Pet May 6. Ord May 19
GALLON, JOHN, Newcastle on Tyne, Ship Smith. Newcastle on Tyne. Pet April 13. Ord May 21
GRAHAM, ROWLAND MOYSES, Gt Grimsby, Lincoln, News Agent. Gt Grimsby. Pet May 18. Ord May 19
GRIFFIN, JOHN JAMES, Plymouth Market, Devon, Ironmonger. East Stonehouse. Pet May 17. Ord May 20
HARRIS, JOHN THOMAS, High Wycombe, Buckingham, Builder. Aylesbury. Pet April 18. Ord May 19
HARRISON, JOHN, Bedford hill, Balham, no occupation. Wandsworth. Pet April 5. Ord May 17
HOLMES, BENJAMIN, Otley, Yorks, Coal Merchant. Leeds. Pet May 21. Ord May 21
IRVINE, JOSEPH, Chester, Grocer. Chester. Pet Jan 20. Ord Jan 26
JACQUES, ALFRED WILLSON, Mowsley, Leicester, Hay Dealer. Leicester. Pet April 29. Ord May 17
JENNER, HERBERT, Waldron, Sussex, Gent. Lewes and Eastbourne. Pet March 18. Ord May 19
JOHNSON, EDWIN, Swallowfield, Berks, Farmer. Reading. Pet May 17. Ord May 19
JONES, JOHN REES, New Oxford st, Tailor. High Court. Pet April 13. Ord May 20
JONES, JOHN, Llandovery, Carmarthenshire, Saddler. Carmarthen. Pet May 17. Ord May 21
KELSEY, WILLIAM, Bisley, Gloucestershire, L.R.C.P. and L.R.C.S. Gloucester. Pet May 19. Ord May 19
KEMPTON, EDWARD, Hackney rd, Shoreditch, Bed Manufacturer. High Court. Pet May 19. Ord May 19
KENNING, ANN, and FRED KENNING, Rotherham, Yorks, Grocers. Sheffield. Pet March 18. Ord May 18
LAYTON, EDWARD, Sheffield, Boot Dealer. Sheffield. Pet April 22. Ord May 19
LITTLE, GEORGE, sen., and GEORGE LITTLE, jun., Cheltenham, Hay Dealers. Cheltenham. Pet May 13. Ord May 18
LLOYD, NATHANIEL, Manchester, Merchant. Manchester. Pet March 29. Ord May 19
MELVILLE, ROBERT THOMAS, Chesterton, Cambridgeshire, Builder's Foreman. Cambridge. Pet May 17. Ord May 18
MOLSON, WILLIAM ALGERNON, Spalding, Lincolnshire, Hay Merchant. Peterborough. Pet May 20. Ord May 21
MORGAN, JOHN FRANCIS, Ironbridge, Salop, Grocer. Madeley, Shropshire. Pet April 25. Ord May 20
MORRISON, GEORGE STAUNTON, Brighton, Gent. Brighton. Ord May 18
PARR, ALBERT, Reading, no occupation. Reading. Pet April 7. Ord May 19
SMITH, CHARLES, Melton Mowbray, Leicestershire, Boot Maker. Leicester. Pet Jan 22. Ord May 19
STOCKBRIDGE, WILLIAM, Scaleby, Cumberland, Innkeeper. Carlisle. Pet May 20. Ord May 20
TOMS, EDWARD, Shilton, nr Burford, Oxfordshire, Farmer. Oxford. Pet May 21. Ord May 21
UNDERWOOD, WILLIAM, Cinderford, Gloucestershire, Cabinet Maker. Gloucester. Pet May 17. Ord May 19
WATSON, TAYLOR, Batley, Yorks, Oil Extractor. Dewsbury. Pet May 20. Ord May 20
WELBOURNE, EDWARD, Pontefract, Yorks, Jeweller. Wakefield. Pet May 19. Ord May 19
WHITING, BENJAMIN WILSON, Diss, Norfolk, Builder. Ipswich. Pet May 18. Ord May 19
WILLOUGHBY, EDWIN THOMAS, Jamaica rd, Bermondsey, Printer. High Court. Pet March 30. Ord May 20
WILSON, SARAH ANN (Widow), Water lane, Lower Thames st, Shipping Agent. High Court. Pet April 13. Ord May 20

WARNING TO INTENDING HOUSE PURCHASERS AND LESSEES.—Before purchasing or renting a house have the Sanitary arrangements thoroughly examined by an expert from The Sanitary Engineering & Ventilation Co., 115, Victoria-st., Westminster (Estab. 1875), who also undertake the Ventilation of Offices, &c.—[ADVT.]

FURNISS ON NORMAN & SCAGGY'S SYSTEM; No Deposit; 1, 2, or 3 years credit; 20 wholesale firms. Offices, 79, Queen Victoria-st., E.C. Branches at 121, Pall Mall, S.W., & 9, Liverpool-st., E.C. Goods delivered free.—[ADVT.]

STAMMERERS and STUTTERERS should read a little book by Mr. B. BEASLEY, Baron's Court House, West Kensington, London, price 13 stamps. The Author, after suffering nearly 40 years, cured himself by a method entirely his own.—[ADVT.]

SALES OF ENSUING WEEK.

May 31.—Messrs. RICE BROS., at the Mart, at 2 p.m., Leasehold Properties (see advertisement, May 21, p. 4).
June 1.—Messrs. GIDDY & TURNER, at the Mart, at 1 p.m., Freehold Property (see advertisement, May 14, p. 6).
June 1.—Mr. N. H. COLLEBAN, at the Mart, at 2 p.m., Leasehold Properties and Stabling (see advertisement, May 14, p. 5).
June 1.—Messrs. JENNER & DELL, at the Old Ship Hotel, Brighton, at 2 p.m., Freehold Family Residence (see advertisement, May 21, p. 4).
June 1.—Mr. HENRY DONALDSON, at the Mart, at 2 p.m., Freehold Properties (see advertisement, May 21, p. 3).
June 2.—Messrs. FOSTER & CRANFIELD, at the Mart, at 2 p.m., Reversions, Annuities, &c. (see advertisement, May 14, p. 6).
June 3.—Messrs. BAKER & SON, at the Mart, at 2 p.m., Freehold Properties (see advertisement, this week, p. 4).

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

HIGGINS.—May 25, at Langdale, Beckenham, the wife of Thomas Lee Higgins, barrister-at-law, of a son.
SANKEY.—May 21, at Upper Phillimore-place, Kensington, the wife of Stuart Sankey, barrister-at-law, of a daughter.

DEATHS.

STEVENS.—May 20, Richard Frederick Stevens, of Lincoln's-inn, barrister-at-law, aged 40 years.
COOPER.—May 24, at Bath, Sir Charles Cooper, late Chief Justice of South Australia, aged 92 years.

The Subscription to the SOLICITORS' JOURNAL *is*—*Town*, 26*s.* 6*d.*; *Country*, 28*s.* 6*d.*; *with the* WEEKLY REPORTER, 53*s.* *Payment in advance includes Double Numbers and Postage. Subscribers can have their Volumes bound at the office*—*cloth*, 2*s.* 6*d.*, *half law calf*, 5*s.* 6*d.*

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